AGENDA

Monday, October 5, 2015

Meetings of Standing Committees
Council Conference Room
6:45 P.M.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of the Minutes of the Previous Regular Meeting**

   September 21, 2015

5. **Petitions, Communications, Remonstrance and Memorials**

   Petition No. 2015-26 Annex and Zone S-2 PUD Mixed-Uses Multi-Family and Commercial - west side of Gumwood Rd north of West Cleveland Rd

   Petition No. 2015-27 Annex and Zone C-1 Retail Uses - approximately 350 ft. east of SE corner of Douglas Rd and Fir Rd

   Petition No. 2015-28 Rezone from C-1 to C-10 Convenience Store, Gas Pumps, Car Wash - NE corner of Edison Rd & Hickory Rd

   Petition No. 2015-29 Rezone from C-1 to C-10 Convenience Store, Gas Pumps - NW corner Douglas Rd and Fir Rd

   Petition No. 2015-30 Amend the 12th St. PUD for Village Green Holdings, LLC - 1400 Blk of East 12th St to R-3 Residential Multi-Family with a Community Center

   Petition No. 2015-32 Annex and Zone C-6 Office and Medical Office Uses - 15170 Cleveland Rd and property adjacent to the south

   Petition No. 2015-33 Vacation of Public Right of Way and Underlying Utility Easement Rights - Fir Trail between Fir Rd and Cleveland Rd

6. **Report of Special Committee**
7. **Ordinances on First Reading**

   P.O. NO. 2015-26 Amending the 2015 Salary Ordinance - Planning Department Senior Planner/Economic Development Specialist

8. **Resolutions**

   R2015-35 Declaratory Resolution Tax Abatement - Bayer Healthcare - Beacon Parkway North of the Indiana Toll Road

9. **Ordinances on Second Reading**

   P.O. NO. 2015-24 Civil City Budget and Tax Levy for 2016 **Pre-adoption - NO VOTE**

   P.O. NO. 2015-25 Vacation of Public Right of Way - Trinity Place Realignment of Trinity Place for VA Outpatient Clinic - West of Fir Rd (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 21, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Tuesday September 21, 2015, at 7:00 p.m. The meeting was called to order by Council Vice President Banicki and all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.

Others present; Council Attorney, Mike Trippel, Chief Deputy I Mary Ellen Hazen, and Chief Deputy II Linda Dotson

The minutes from the September 8, 2015 meeting were approved. Clerk Block read a letter from the Mishawaka Plan Commission regarding the recommendations from there, August 11, 2015 Public Hearing.

Mayor Wood, said it was his honor and privilege to introduce the 2015-2016 Mayor's Youth Council with students from 3 three local high schools and was the biggest youth Council they have ever had. He said they do community service, learning about the services of Mishawaka, handling equipment like the jaws of life and even a Taser Gun and Bucket Trucks to name a few. Mayor Wood said the Youth Group would be involved in projects that would benefit the city, while working with other students and forming bonds they will have for a life time. He said the first Youth Group to see the plans, to have input, and to have their say in Central Park was the Youth Council.

Clerk Block read a Letter from the Plan Commission regarding their September 9th meeting.

PETITION #15-21 A Petition submitted by Ambrose Property Group VA, LLC, LLC requesting to vacate public right-of-way to realign portions of Trinity Place for proposed VA Outpatient Clinic.

The Commission, with a 7-0 vote, recommended approval.

Clerk Block read there was a Public Hearing on **VACATION 2015-04 as required by State Statute on behalf of Ambrose Property Group VA LLC to vacate right of way of Trinity Place**

Mr. Emmons asked if there was anyone present to speak on this Vacation of Trinity Place.

Daryl Knipp from Abonmarche said he was speaking on behalf of Ambros Property Group VA LLC, and Cressy need to Vacate land for a road new road to the VA Clinic

President Emmons closed the public hearing on Vacation 2015-04 at 7:16 p.m.

Clerk Block read **RESOLUTION R20145-33** opening for public hearing.

RESOLUTION NO. 2015-33
(Condominium)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA KNOWN AS A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR BARAK GROUP, L.L.C. and/or ITS ASSIGNS

Thomas Panzica with Panzica Building Corporation 416 Monroe Street South Bend said they are the designer of the proposed project and would be involved in the building of it. He said this project involves two parcels in phase one which would be located at the base of the foot bridge and would be a multiphase master plan including condominiums, apartments and mixed use commercial to create a walkable community in the downtown. He said having that type of development in that area was part of the city's 1999 redevelopment plan; it was one of the reasons why the city cleared the land from Uniroyal and made it available for development.

Mr. Panzica stated phase one which was the purpose for the first abatement would be a condominium tower, muliti-story building with between 25 and 40 units and designed in such a way it would be conducive to the quality of the land, it would be a first class building. He said the idea was to create a presence on the river front that would attract buyers to that area and create a critical mass that would bring people to the river front, they would be the urban pioneers. Mr. Panzica said Mishawaka started as a walkable community and this would bring it back to that where you would live in apartments above and work in offices below.

Mr. Panzica stated also in Phase I would be a walk up café, immediately to the east of the condominium tower. He said it was thought to be beneficial to have a place to gather, inside the café and outside to get a beverage and or a sandwich, with a year around venue. Mr. Panzica stated it would be a part of phase I and a two prong approach to creating a development attraction on the site. He said they would have a fire-pit with a smoke stake that resembles the Uniroyal smokestack, and there has been discussion of a Boccie Ball Court, or a place to ice skate, and a hot cup of coffee.

Mr. Panzica saod Phase II includes the block to the West and that phase of the project would be much larger and would include a 300 car parking garage, and another condominium tower, two apartment towers, and it would a dense and well populated down town community that would bring people into the center of the city. He said way down the road the Barack Group has an interest in developing the Island the property that was to the east of the Main Street Bridge to create a signature hotel and conference center, drawing even more people downtown.

He said in addressing some of the ideas specifically related to the tax abatement and to development costs, after having many discussion with the members of the Council and the community at large there seems to be a perception that the condominium units are going to be very high end and luxurious that only rich people could afford and the tax abatement was a subsidy to “rich people” but homes of that value out in the county area are quite common, the idea is to try and get people to move out of their large homes, with lawn care they don’t wish to maintain anymore to come back to the city and have a more walkable lifestyle. He said they would be putting in a sprinkling system, stairs, elevator of which all are of significant costs once again there must be fire rated constriction and the elevator would be a significant factor in public acceptance, these all add to the cost of the 30 dwellings. Mr. Panzica stated in addition to that the code states they need a fire separation between each unit, between each level, between the units and the garage, between the units and the vertical circulation that means thicker drywall, caulking of penetrations, fire dampers and ducts. He said in addition to all of that they would be adding fire sprinkling to the garage, stairwell as well, these are all significant costs a signal family home does not have, adding all of that up $350,000 is a fair cost, considering what all goes into building these units.

Mr. Panzica said the City of Mishawaka was wise in seeking to put high density development on this site because by putting so many homes on one piece of property there was a definite tax benefit. He said they have been told the average assessed value in the city of Mishawaka for a single family home was about $100,000 and over the next 10 years those homes would pay approximately $12,690 into the coffers of the City of Mishawaka to pay for the city services for that one home. Mr. Panzica stated Iron Rock’s 30 condos even with the tax abatement would be assessed at $350,000 per unit would be paying over the first 10 years $2,726. 00 per unit annually which means those people would pay $823,000 to $860.000 approximately in taxes over that same period of time. He explained that the people that would be buying these condos are taking a risk because they don’t know what will happen, or if the plans that have been proposed for this area would actually happen, Mr. Panzica said the city was very wise in seeking high density development on this very valuable site, by putting so many homes on one piece of property there would be a definite tax benefit, and requiring half the police, half the fire protection half the ambulance service, and half the infrastructure of 64.4 homes in the city. He said it saves on having to extend water and sewer to the site because it is already there which was another benefit.

Mr. Panzica stated the worry comes up that there would be demands for other such abatements, the answer to that would be this area of the downtown was a targeted redevelopment district that was why the city was allowed to offer tax abatement. He said the object was to fill this hole in the middle of the city that has been vacant for 14 years.

Mr. Banicki asked if there was a guarantee that these would be condos because Barrack Group on the north side of Mishawaka Avenue said they would put in condos along with apartments and now no condos and all apartments, so are you guaranteeing condos bottom line. Mr. Panzica conferred with developer who was present and he said yes all condos.

Mr. Mammolenti asked if $350,000.00 was the average or change in plans because originally it was stated $350,000.00 to $750,000.00. Mr. Panzica said they are trying to be conservative and price themselves at a rate that would be marketable in the community, what was often found was some buyers would buy at the asking price and then choose upgrades. Mr. Mammolenti asked if they were doing pre-sale on these units, realizing there is a big risk here do they have a goal on pre-sales prior to construction. Mr. Panzica said once the financing was set in place there would be a number set and the Barack Group would need to sell that number in order to build and if they don't achieve that level then they have failed to full fill their contract with the Redevelopment Department and the land reverts to the city and the tax abatement is null. He said there is no risk to the city here they have to go out and create that market or the city gets the land back to start over again with another developer. Mr. Mammolenti said that would in turn eliminate the prospect of a vacant building in downtown. Mr. Panzica said that was correct.

Mr. Bellovich asked Mr. Panzica at the last meeting it was said there would be 100 to 120 skilled trade positions that would be fully employed for up to a year, was that along the lines of his thinking as well. Mr. Panzica said it was he that said that and he feels that was a very accurate number and possibly conservative.

Mr. Roggeman asked on an individual unit what square footage were they talking about. Mr. Panzica stated that depended on the market, they would generally range from 15 hundred to 18 hundred square feet but not committed to that plan. Mr. Roggeman asked if there would be multiple floors in one unit. Mr. Panzica said it would be flats.

Ms. Voelker asked if people have the ability to double the size. Mr. Panzica said he thought that would be possible if someone wanted to buy two condos they could accommodate them..

Mr. Emmons said this was a TIF District and all the taxes stay in the TIF they do not go throughout the city. Mr. Panzica said a lot of the amenities that created Beutter Park, the River Walk, and the downtown was done with TIF money asking Mr. Prince if that was correct. Mr. Prince said yes. He said Mishawaka citizens are enjoying the benefits of that TIF in the park and River Walk and if this money accrues to the same TIF District it would just make Downtown that much better. Mr. Emmons said the TIF money does not go out to the other neighborhoods it stays in one district. Mr. Panzica said he believes TIF Districts expire, these buildings would be here for 70 years or more and pay taxes year after year, so where it goes in the city's budget is not for him to say, but ultimately the city benefits in the long run by more taxes being paid into the coffer.

Ryan DeVorak, with May, Oberfell, and Lorber 4100 Edison Lakes Parkway representing Barack Group gave a handouts with a summary for the proposed residential site what the economic impact of the project was likely to be and tax runs with the residential and commercial sides of the project. He said they were looking at a 20 year payout of about 2.5 million dollars on the residential side and over 300,000 dollars on the commercial side combine to 2.9 million dollars over 20 years in property taxes. Mr. DeVorak stated if they sell these units at $350,000 this was what they would be able to generate if they can sell them higher than that these numbers are only going to grow, at a minimum they expect to collect this amount in property tax revenue.

He said they predict up to 90 new residents with a possible annual income for the city to be 4 million dollars from these residence in new sales revenue. Mr. Emmons asked where they got that figure. Mr. DeVorak said averaging 3 people per unit of course that is not a fixed number just something to go by.

Ken Prince, City Planner said he would like to hi-lite a few items, first of all the main thing to consider here was after 14 years the city has a proposal that meets the 1999 master plan, that would bring new taxes and as it sits now is not generating anything. He said one of his main regrets was the first developments down there did not receive any tax abatement what so ever and the economy did what it did and had they approved an abatement would they have sold one more unit, would there be a restaurant in the Ironworks Building. He said he doesn't know the answers to those questions but wants to make sure that everything was done so this master plan was implemented and implemented the right way, in hind sight the wished there were abatements on those because we do not know if the city has realized the full potential as a result. Mr. Prince said this was only one of the developments downtown they want to let the development community know they are open for business. He said the City owns this property they did not get into this because they wanted to get into the property business, the only reason they ended up with this was because Uniroyal declared bankruptcy and left a 10 million dollar plus obligation sitting there and the only way to get it cleaned up was TIF money the businesses north of town allowed the amendment to the TIF District to include this site at which time the city was able to clean up the site and invest in making it a much more desirable place to live and invest.

Mr. Mammolenti asked Mr. Prince, bouncing off of Mr. Emmons question could he explain some of the projects around town that TIF Money was used on. Mr. Prince said one of the main ways the TIF money benefits the citizens was when handed and unfunded mandate by the Federal Government for a 160 million dollar sewer separation, that if not paid for with TIF money, would have been distributed to the Mishawaka citizens in rate hikes, also, setting the rates at 3.3 million dollars currently going to Waste Water expenses that would otherwise go to rate hikes and that benefits every single citizen of Mishawaka. Mr. Prince said as part of the long term control plan for that sewer separation there was a very long tunnel that runs from the Waste Water Treatment Plant basically to Merrifield, connecting to Crawford Park and moving east that connects that part of the city to the Waste Water Treatment Plant and that tunnel expense was estimated around 50 to 60 million dollars and the fund they are looking for to finance this was the TIF Fund. He said Mr. Emmons talks about his constituents there is not money coming out of TIF to fund the Park but there was a benefit for every business owner in the city by having that TIF Fund. Mr. Mammolenti said wasn't the Main Street Underpass a project paid for with TIF money. Mr. Prince said yes Edison Lakes, Beacon Parkway, combination of funding for Central Services Building reconstruction, which otherwise would possibly have to been done by a bond issue, Beutter Park River Walk, some of which was Federally Funded but by and large the vast percentage was funded by TIF, major road projects, Sewer and Street replacement on Mishawaka Avenue, and Cedar Street for example. Mayor Wood said he was in support of the resolution this property has been vacant for 14 years TIF money cleaned it up at high costs and the city was currently providing the maintenance on the land. He said the last time this parcel has been productive was 22 years ago. Mayor Wood said industry no longer needs a river to generate power or to dump in he feels it is important to invite projects downtown to draw people to the city. He said there are many cities that would love to have this project to approve, major investments in these types of developments werefairly reasonable and the businesses up north of town have been very successful, this is what we want here and these types of proposals do not come around very often we are very judicious with tax abatements and saved the use of them for creating jobs we now need to create people to raise their families here and contribute to our economy. He said we have a good school system and we have worked to make Mishawaka the place for people to want to live. Mayor Wood said this was a tax phase in as well as making this site productive we would be sending a message Mishawaka was open for business and willing to have a stake in our development or we can send a different message and there are other downtowns that would grab this up. He said if this succeeds this development will be paying taxes soon and for a long time to come, or we can say this is not what we want and there are other towns waiting in the wings for a project like this.

Mr. Compton said he struggled with some of the comments the Mayor said in the State of the City where we are a world class city with world class services and the place where people wanted to live and work compared to other cities and now the painting is a little different we are now a 182 year old downtown. Mayor Wood said at the last State of the City it was said that we would have a stake in development going forward, because they recognize that development in the downtown is significantly more costly and a gamble it would be easier for them to go North on Main and do a project, they know the market would be there for them. He also stated no one was showing up on our door step, without incentives to do a similar type of project downtown. Mayor Wood said they were trying to keep within their visions of the downtown from what they hear from the citizens, and the businesses.

Mr. Compton said then Mishawaka was not the place people want to come to without incentive. Mayor Wood stated we are getting there.

Davide Ivaldi 4219 Cassell Avenue, said he has lived in Mishawaka since 1994 and has seen an urban area that has failed to renew in many ways and over the course of living here near downtown and now in the Twin Branch area he took office space in Downtown Mishawaka. because it was cheap real estate and it was convenient. He said the problem was he got sick of having to move his car every two hours because of parking tickets and there were very few restaurants downtown and no River Walk at the time so he would say in the beginning there was not a lot of draw, there was some convenience and economically it was good because of the office rental but that was about it. Mr. Ivaldi said after moving to Twin Branch he had the school, church, library, and grocery store all within walking distance now that was what they were trying to get to here with the convenience and accessibility. He said after the River Walk was built he enjoyed that very much still doesn't feel like a community but now you have the opportunity to grow even more and looking at an aging population they want convenience, we are drawing more people of an older age into the hospitals and care centers we have the doctors who want to live somewhere close and families who have relatives in long term care facilities they want to live nearby and those of us who have gotten older and are empty nesters might want to live in these kinds of places. Mr. Ivaldi said he agrees that there was no one fighting over this property and not a lot of restaurants moving in and he believes this project would only help in those areas.

Mr. Compton said he would be speaking on both Resolutions, a few months back the administration came to the Council and asked them to consider an abatement for the River Rock Development and they approved that and he supported that and as he remembers it was presented to them as a kick off for the downtown, so in his mind it was the beginning, just coming out of the rescission it was a kick off. He said what it seems like to him was the same incentives were promised down the line. Mr. Compton said he feels the city has set the table for prime development down on the River Walk and he feels it was prime real estate, feeling there was no better in the area in his opinion. He said he has talked with downtown business owners and only two would approve the tax abatement one of them was a bar owner and he said he was in favor of the abatement he wants the business and when asked about the café he said no, he was not in favor of abating that, the downtown businesses really want this, it was the abatement they have issues with. Mr. Compton said this being a TIF District the tax money would not be going to Police and Fire wages so the result of that would be a cost. He said he cannot support this he wants it to succeed but it should stand on its own, and he feels that it can.

Mr. Roggeman said these issues are not easy, he said he had regrets in voting no on some incentives for earlier projects that went in on that site. He said he agrees the city has done plenty with the demolition and the cleaning up and nowthe land was being sold for a very cheap price and had they extended all of this back then maybe it would have taken off by now. Mr. Roggeman stated he puts a lot of stock in Mr. Prince says he gives very thorough explanations and answers all questions puts together very thoughtful reports and he has a lot of faith in him. He said he asked Mr. Prince at the previous meeting on the Decletory Resolution if this was the type of project he was waiting for and he said in one word yes, and that carried a lot of weight with him. Mr.Roggeman said he feels it was the right move for Mishawaka so he would be voting yes..

Mr.Banicki said if they don't pass it they would be seen as are against development and if they do pass it giving they would be seen as giving the city away even though it was not much, he was really on a fence He said he wished there was something someone could say to sway him one way or another.

Mr. Reisdorf said the scope of this project means a lot to a lot of people Mr. Ivaldi called him today and after talking with him decided to come to the meeting. He said he spent most of the day calling people and one gentleman stated Mishawaka has done a fine job in the past and as long as this was done right and brings no problems to the city he and his wife were in favor of it. Mr. Reisdorf said he heard more in favor then not he would be voting in favor.

Mr. Mammolenti said this was tough to decide, when you break it down, he travels with work And his family and he enjoys going somewhere you don't have to rent a car, or get into a taxi you can walk to an eating place, drop off dry cleaning and get ice cream that type of living was attractive to him. He said look at what the Central Park development and the River Walk has brought to the community, having said all that he dose struggle with giving tax abatements to residents, in the past it has all been manufacturing companies and projects. Mr. Mammolenti said we also want to lure in, attrack and retain these people because it is a competition, there are other cities these developers can go to and they choose us. He said after sitting vacant and collecting no tax dollars for 22 years, having a proposition that would make money in two years was something to consider.

Mr. Mammolenti said he wasn't familiar with the University Park Mall development and a lot of people may have thought that was crazy with only a two lane road leading to it and now it is a big staple and it has drawn a lot of people to our area. Mr. Mammolenti said he does not want to do anything to jeopardize this project and with a five year abatement we can bite the bullet and reap the benefits for 70 or 80 years plus from this development. He said he would be voting in favor.

Ms. Voelker said she was an early adopter of downtown Mishawaka in 1990 buying a 100 year old home and so excited to be able to walk to church, Library, the Princes Bakery and neighborhood schools. She loves the life style they have in Mishawaka and was very excited to see the city moving forward with something that was happening in other cities all over the country. She said she would be voting in favor.

Mr. Bellovich said no matter how the vote turns out all nine vote for what they think is in the best interest of the city and he himself would be supporting this. He went on to say the Mayor talked about sending a message and he feels like moving this project forward, density is a plus, it will help the businesses move forward, it will attrack new businesses into the downtown area and in long term this will really be a positive event for Mishawaka and he 100% behind it.

Mr. Mammolenti said he attended Mr. Emmons neighborhood watch meeting and this development was his topic, his residence did share a concern about keeping the money in the TIF Fund. He said a lot of people do not know that the work on the two underpasses helped heavily offset the cost of that where the tax payers did not have to see that increase so there are a lot of benefits to the TIF it does benefit all of us. Mr. Mammolenti also said when the Federal Government mandates something to be done that money has to come from somewhere and that was what the TIF money was used on for the sewer separation, and the corridor up north.

Mr. Emmons said he wanted to go over the things that effect his district he said there are very few homes in his district that are $100,000 homes his district is made up of average citizens that work very hard and could not afford to live downtown in this new establishment and to build 350 to 750 thousand dollar units is commendable, he has no problem with the project he just feels the citizens of Mishawaka should not be funding it. He said it was his feeling if you can afford that kind of housing you can afford those taxes. Mr. Emmons said the jobs created by this were only for one year they were not lasting jobs. He said was not against the project he just feels they should pay for it, abatements should only be used for creating jobs long lasting jobs and this job does nothing for that, and to tie in a café for an abatement which we have never given restaurants or cafés abatement before. Mr. Emmons said it was his feeling that the work the city has done on this property was abatement enough and he would not be voting in favor of this. .

Question was called for at 9:00 p.m. on **RESOLUTION NO. R2015-33** **Vote:** Motion passed (**summary:** Yes = 6, No = 3, Abstain = 0).**Yes:** Mr. Reisdorf, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman **No:** Mr. Banicki, Mr. Compton, Mr. Emmons, **Vote: motion passed**

ESOLUTION NO. R2015-34
(Café'}

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE DESIGNATION OF AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA KNOWN AS A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA AS AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF REAL PROPERTY TAX ABATEMENT FOR BARAK GROUP, L.L.C. and/or ITS ASSIGNS

Thomas Panzica with Panzica Building Corporation, 416 East Monroe Street, South Bend said he would like to make a point that the developer did not set out to go downtown Mishawaka and build a Café. He said it was important to show the mixed use from day one, the second phase would have much more commercial then the first phase their intent was to build a walkable downtown and the Café' became a part of that total picture. Mr. Panzica said they need to attrack a business that can survive without drive by traffic, no drive thru, and no parking, along with possibly less foot traffic during the winter months, this was an unproven market and that was the reason for the Tax Abatement to be included in this proposal. He said they are asking for a favorable vote on this as well.

Mr. Banicki said the way this reads was Barak Group, LLC and/or ITS Assigns does that mean you can actually sell this portion off and build something elset with that Tax Abatement. Marcel Lebbin, Attorney with, May Oberfel and Lorber 4100 Edison Lakes Parkway, Mishawaka said yes it could be assigned to someone else that would like to take over the project. Mr. Banicki that was only because of the way it was stated in the Resolution *and/or ITS ASSIGNS.* Mr. Lebbin said that was correct.

Mr. Reisdorf asked if anyone showed interest in a Café' operator. Mr. Panzica said the development group has had some initial conversations with some operators and there was some interest but they are finding it unusual, because of the walkable concept in an area where there is not much there they would have to believe in this project and the Tax Abatement would help with that.

Mr. Emmons asked if would be feasible to build the Café' after the condos were built. Mr. Panzica stated they were trying to build a walkable mixed use community on that site, the café' is a small component but if you consider this the pilot project of phase two where it really takes off, it was what everyone including Mr. Prince and the city have been building towards since Uniroyal left. He said they feel the Café' does provide a component that creates that mixed use from day one in a way where the developer can accept the risk it would be an amenity to the condo owners and Beutter Park. Mr. Emmons asked why they would build this Café' without the condo being done. Mr. Panzica said there was no choice the development agreement with the city was to build both simultaneously. Mr. Emmons said that was just a way to skirt mixed use that brings in no jobs because it was an " iffy" situation. Mr. Lebbins replied in a redevelopment district, which this was, abatements can be solely for residential purposes and if the question was could you stand alone with a residential abatement in this project the answer was yes. He said the reason for the commercial was not a qualification for the abatement the fact was it was a redevelopment district and because it was what the city wants. Mr. Panzica stated he would like to make a statement that he hopes their constituents would understand, first of all the commercial and the residential enhance one another, the residents of the condos would patronize the Café' and may provide that critical mass of people that are not around in the winter months.

Mr. Panzica said he wanted to make a point on the comment that Tax Abatement should only be for job creation and he wanted to offer a hypermetrical situation, he deals with many manufacturers and if he were representing one of them and they were going to create a business in Mishawaka that would employ 30 people, making Widgets he was sure the city would go out of its way to make sure to offer him an abatement so they did not go to another town with this project. Mr. Panzica stated he needed skilled Widget makers and there is no guarantee that all of his new employees would be citizens of Mishawaka on the other hand by giving residential abatement you are guaranteeing that those 30 investors that are investing in those condominiums are going to live here in the city and pay taxes here. Mr. Pancia said with this project it would be a guarantee that possibly 60 people more or less would be living, spending, and paying taxes in Mishawaka. Mr. Emmons asked why they couldn't stand on their own on this project. Mr. Panzica said these two go together.

Ken Prince, City Planner said the nature of café, when the developer first came to him the first phase would be a residential tower and the tower be built on the West side, both towers would be built on the river front and to create a transition to where the Ironworks Building sits, Mr. Panzica came up with this small cafe' with a tax phase in. He said Main Street Grill was over $200,000 in assessed value, and Doc Pierces was $100,000 in assessed value and to build a new café' on this site the assessed evaluation would be over $450,000 when you consider the taxes paid on that without an abatement would be $17,000 a year. Mr. Prince said it was a viable business and would succeed over time, in talking about the Ironworks space the basement allocated for a restaurant would have cost more than a million dollars of investment to complete, the bottom line was they couldn't make the numbers work, plenty of interest but no bank was willing to take that on and it was eventually was rented out as an office. He said this café' was a smaller space then the Ironworks spot and would make it immediately viable. Mr. Prince said there are also added costs in getting these places up in running they don't realize until they start the process or construction, he said for all of those reasons they were in favor of the Tax Abatement.

. .

Mr. Banicki asked if the Café would be able to have alcohol. Mr. Prince said he hopes so. Mr. Banicki said he would not be supporting this abatement either, he wished there were some options when the numbers are placed in front of them with no options he has a problem with that. He went on to say they are both great projects and he hopes they succeed, the Council has the final approval and he feels that in the future the Council needs some options.

Mr. Mammolenti said he knew this had not been done before but they have never had this product or this location it was not necessary to abate restaurants on North Main Street or Grape Road because they want to locate there we do not need to attract or lure them as we need to do in this instance it is asking these pioneers to take this risk. Mr. Mammolenti said he would be in support of this

Mr. Emmons said he was not against the plan but he feels they would be giving away the store, and he would not be voting in favor.

Question was called for at 9:22 on **RESOLUTION R2015-34.** the **Vote:** Motion passed (**summary:** Yes = 6, No = 3, Abstain = 0).**Yes:** Mr. Reisdorf, Mrs. Voelker, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. **No:** Mr. Banicki, Mr. Compton, Mr. Emmons.

NEW BUSINESS

Clerk Block said there was the reappointment of Dr. Richard Headly to the Animal Control Commission.

Mr. Mammolenti made a mition to reappoint Dr. Richard Headly to the Animal Control Commission with a second by Mr. Reisdorf the motion carried.

Adjournment was at 9:23 p.m.

Deborah S. Block ______________________	Dale “Woody” Emmons ____________
Deborah S. Block, IAMC, MMC, City Clerk	Dale “Woody” Emmons, President Presiding

DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

SEP 23 2015

DATE: September 23, 2015

TO: Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Pet 15-26

RE: **PETITION FOR ANNEXATION AND ZONING CLASSIFICATION**

The undersigned petitioner, Mishawaka Utilities, acting by and through its Mishawaka Utility Board, respectfully shows that the undersigned is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the East Half (1/2) of the Southeast Quarter (1/4) of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East Half (1/2) of the Southeast Quarter (1/4); thence North 0 degrees 00 minutes 00 seconds East (bearing assumed) along the East line of said East Half (1/2), a distance of 1319.98 feet; thence north 89 degrees 45 minutes 20 seconds West, a distance of 541.47 feet; thence North 89 degrees 47 minutes 45 seconds West, a distance of 521.96 feet to the place of beginning also being the Northeast corner of Lot Numbered Five (5) in the Unrecorded Plat of Bauer and Geissler's Plat; thence South 0 degrees 01 minutes 21 seconds West along the East line of said Lot Numbered Five (5), a distance of 661.27 feet; thence North 89 degrees 59 minutes 13 seconds West, a distance of 256.57 feet to the West line of said Lot 5; thence North 0 degrees 06 minutes 03 seconds East along said West line, a distance of 662.37 feet to the Northwest corner of said Lot Numbered Five (5); thence South 89 degrees 44 minutes 26 seconds East along the North line of said Lot Numbered Five (5), a distance of 255.67 feet to the place of beginning.

Also containing:

A parcel of land being a part of the East half of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as follows:

Commencing at the Southeast corner of said East half; thence North 0-00'-00" East (bearing assumed) along the East line of said East half, a measured distance of 1319.96 to an iron pipe found in place; thence North 89-45'-20" West along the North line of Proposed Lots 1 and 2 and its projection on the Bauer and Geissler's Plat (unrecorded), a measured distance of 541.47 feet to an iron pipe found in place also being the Northwest corner of said Lot 2 being the point of beginning for this description; thence South 0-01'-50" West along the West line of said Lot 2, a measured distance of 659.24 feet to an iron found in place also being the South line of the North half of Lot 3 in said Plat; thence North 89-56'-58" West along said South line, a measured distance of 261.08 feet to an iron found in place also being the West line of said Lot 3; thence North 89-59'-13" West along the South line of the North half of Lot 4 in said Plat, a measured distance of 260.79 feet to an iron found in place also being the West line of said Lot 4; thence North 0-01'-21" East along said West line, a measured distance of 661.27 feet to an iron found in place also being the Northwest corner of said Lot 4; thence North 89-41'-02" West along the North line of Lot 5 in said Plat, a measured distance of 255.63 feet to an iron pipe found in place on the West line of East half of the Southeast Quarter of said Section 21, also being the East line of Countryside Estates Section 2 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 30, Page C-2; thence North 0-06'-03" East along said East line of Countryside Estates Section 2 and also along the East line of Countryside Estates Section 1 as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana as Plat Book 29, Page C this also includes the East line of Hamilton Street as shown on said Plat, a measured distance of 993.70 feet to an iron pipe found in place marking the Northwest corner of Lot 12 in said Bauer and Geissler's Plat (unrecorded); thence South 89-37'-54" East along the North line of said Lot 12, a measured distance of 255.12 feet to an iron pipe set also being the Northeast corner of said Lot 12; thence South 0-04'-15" West along the East line of said Lot 12, a measured distance of 331.56 feet to an iron pipe set also being the Southeast corner of said Lot 12; thence South 89-38'-54" East along the North line of Lot 9 on said Plat, a measured distance of 260.76 feet to an iron pipe found in place also being the Northeast corner of said Lot 9; thence South 0-04'-56" West along the East line of said Lot 9, a measured distance of 330.62 feet to an iron pipe set also being the North line of the South half of Lot 8 on said Plat; thence South 89-43'-24" East along said North line a measure distance of 260.87 feet to an iron pipe found in place also being the East line of said Lot 8; thence South 0-01'-56" West along said East line, a measured distance of 330.29 feet to the place of beginning containing 21.66 acres more or less.

Petitioner owns One Hundred (100%) percent of the above described land, excluding any right-of-way bordering or running through said land, and is located within a part of the East Half (1/2) of the Southeast Quarter (1/4) of Section 21, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states the intended use of said land will be for the City of Mishawaka, short term and for possible mixed-use multi-family residential and commercial development compatible with the surrounding current and planned uses.

Accompanying this petition is a location map showing the above-described real estate.

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

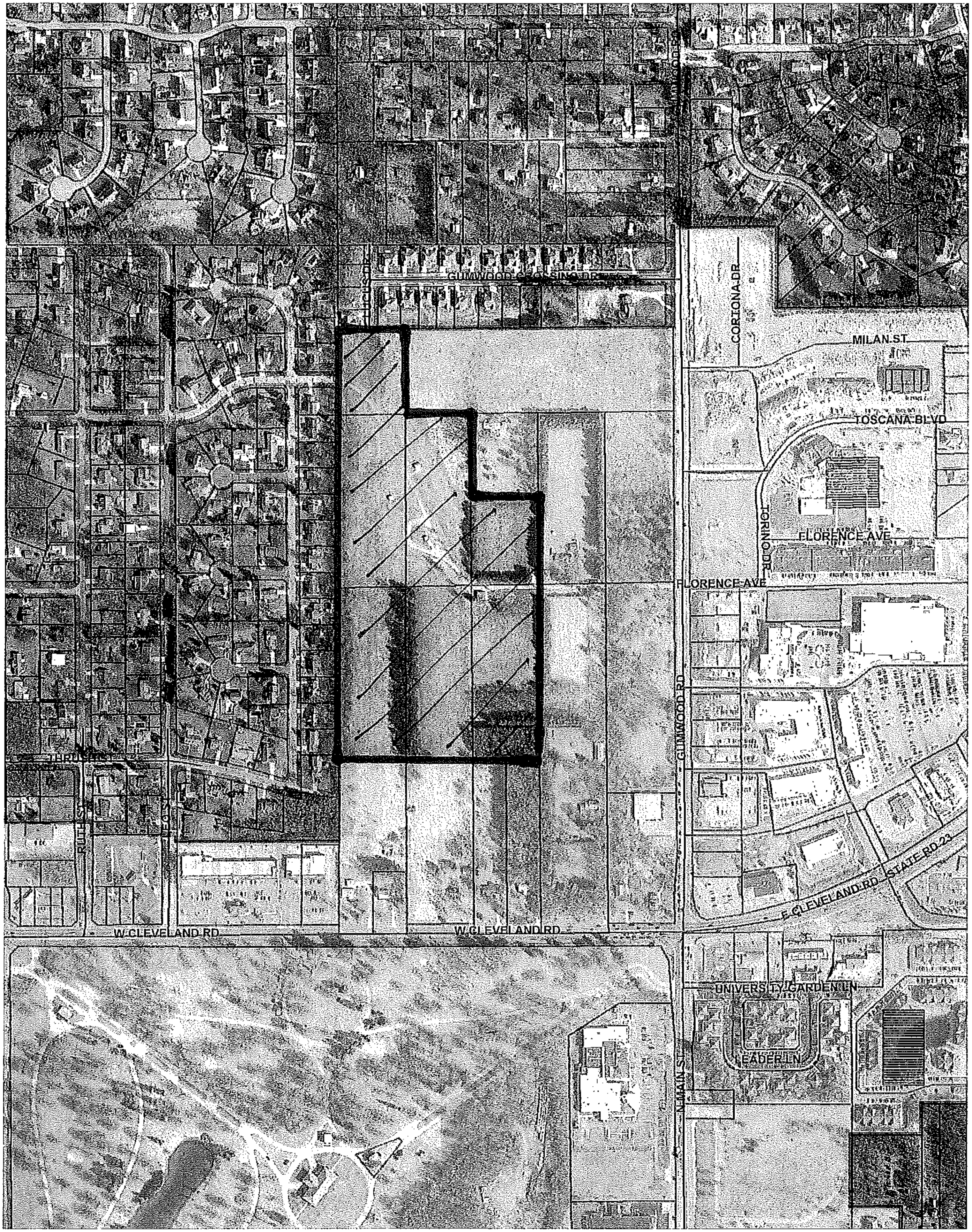
Wherefore, Petitioner prays and respectfully requests that the Mishawaka City Plan Commission hold a public hearing and that after hearing, make a favorable recommendation to the Common Council of the City of Mishawaka that an appropriate ordinance be enacted annexing the above described parcels of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.

PETITIONER:

MISHAWAKA UTILITIES

Lawrence J. Meteiver, City Attorney

CONTACT PERSON:
Lawrence J. Meteiver
Mishawaka City Attorney
600 E. Third Street
Mishawaka, Indiana 46544
(574) 258-1637
lmeteiver@mishawaka.in.gov


GUMWOOD CROSSING DR
CORTONA DR
MILAN ST
TOSCANA BLVD
TORINO DR
FLORENCE AVE
FLORENCE AVE
GUMWOOD RD
W CLEVELAND RD
W CLEVELAND RD
E CLEVELAND RD STATE RD 23
UNIVERSITY GARDEN LN
LEADER LN
N MAIN ST

Pet 15-26

SEP 23 2015

DATE: September 17, 2015

Pet 15-27

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

RE: PETITION FOR ANNEXATION & REZONING FOR:

SEC INVESTMENTS LLC
4715 LINCOLNWAY EAST
MISHAWAKA, INDIANA 46544

THE UNDERSIGNED, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

ANNEXATION AND REZONING LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 40.00 FEET MORE OR LESS; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 40.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 115.05 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 220.00 FEET MORE OR LESS; THENCE NORTH 115.05 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 220.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.58 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD, AND BEING LOCATED APPROXIMATELY 350 FEET EAST OF THE SOUTHEAST CORNER OF DOUGLAS ROAD AND FIR ROAD.

THE ABOVE DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED "R" SINGLE FAMILY DISTRICT IN THE UNINCORPORATED COUNTY.

PETITIONERS DESIRE TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "C-1" COMMERCIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR A FUTURE RETAIL USES ALLOWED WITHIN THE "C-1" COMMERCIAL DISTRICT.

WHEREFORE, THE PETITIONERS PRAY AND RESPECTFULLY REQUEST THAT THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REFER THIS MATTER TO THE MISHAWAKA CITY PLAN COMMISSION AND THAT AFTER HEARING, AN APPROPRIATE

ORDINANCE BE ENACTED ANNEXATING AND REZONING THE ABOVE DESCRIBED PARCEL OF REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA.

MEMBER

FOR SEC INVESTMENTS LLC
4715 LINCONWAY EAST
MISHAWAKA, INDIANA 46544
(574) 255-8463

CONTACT PERSON:

MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.

PARCEL ANNEXATION AND REZONING LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 40.00 FEET MORE OR LESS; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 40.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 115.05 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 220.00 FEET MORE OR LESS; THENCE NORTH 115.05 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 220.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.58 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD, AND BEING LOCATED APPROXIMATELY 350 FEET EAST OF THE SOUTHEAST CORNER OF DOUGLAS ROAD AND FIR ROAD.

SEP 23 2015

Honorable Members of the Common Council
and Plan Commission of the City of Mishawaka , Indiana
300 East Third Street
Mishawaka, Indiana 46545

September 17, 2015

RE: Annexation & Rezoning Petition for
SEC Investments, Inc. for property located approximately 350 feet
East of the Southeast corner of Douglas Road & Fir Road,
Mishawaka, Indiana:

Dear Council Members:

Please accept this written letter as confirmation that we have authorized Danch, Harner & Associates, Inc. to represent us at all required public hearings at which our Annexation and Rezoning Petition will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 255-8463.

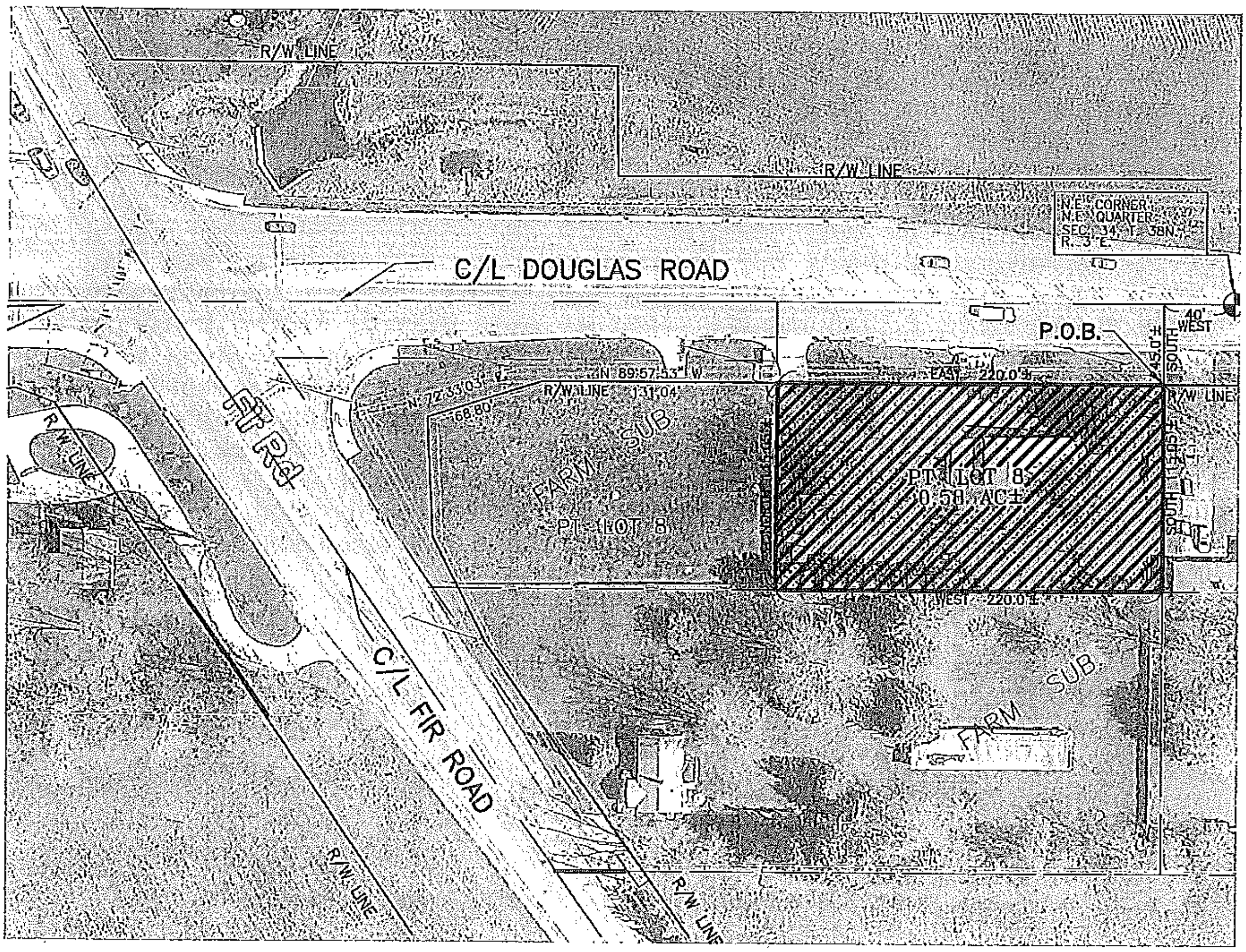
Sincerely,

Steve Murphy, MEMBER

Steve Murphy
For SEC Investments, LLC
4715 Lincolnway East
Mishawaka, Indiana 46544

File No. 150214 "C" Md.

ANNEXATION DIAGRAM



N

DHA

0 100'

SCALE 1" = 100'

SMM

150214
9/18/15

Pet 15-27

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

Date: September 8, 2015

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

SEP 23 2015

RE: Donald & Patricia Cressy Foundation
Petition for Rezoning:

Ret 15-28

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT THE INTERSECTION OF EDISON ROAD AND HICKORY ROAD; THENCE NORTH 90°00'00" EAST A DISTANCE OF 51.89 MOR OR LESS; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HICKORY ROAD FOR THE NEXT FIVE (5) COURSES, NORTH 40°00'00" WEST A DISTANCE OF 18.50 FEET MORE OR LESS AND NORTH 00°00'00" WEST A DISTANCE OF 18.40 FEET MORE OR LESS AND AROUND A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 231.50 FEET MORE OR LESS AND NORTH 20°22'07" WEST A DISTANCE OF 112.50 FEET MORE OR LESS AND AROUND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 23.93 FEET MORE OR LESS; THENCE NORTH 88°50'37" EAST A DISTANCE OF 316.40 FEET MORE OR LESS; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 393.00 MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISION ROAD; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 217.20 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 2.30 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as the Northeast corner of Edison Road and Hickory Road, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-10" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a convenience store with gas pumps and a carwash facility on the site.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.

Stephen A. Studer

Stephen A. Studer-Attorney for the
Donald & Patricia Cressy Foundation
(574) 277-1207

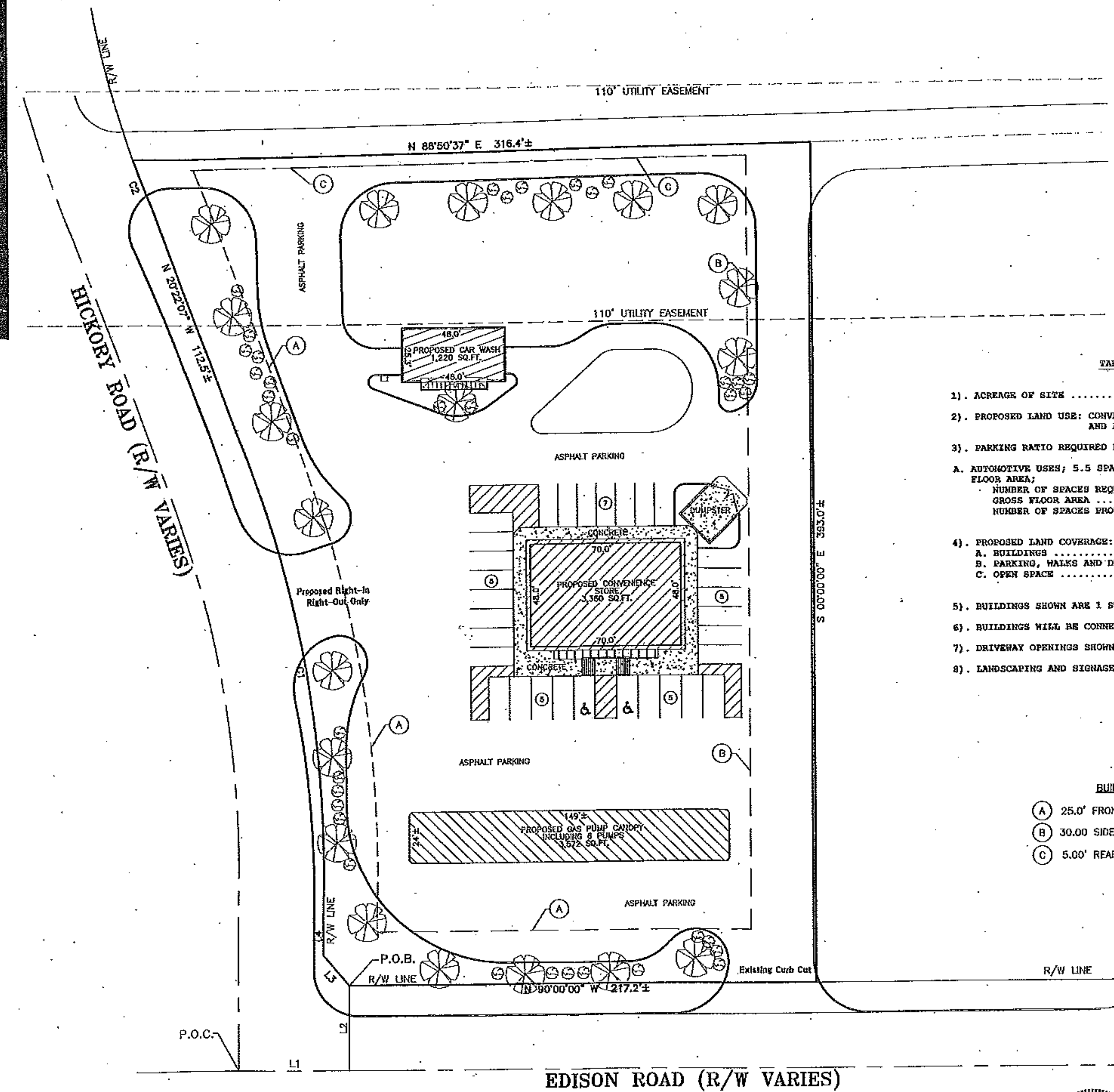
Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT THE INTERSECTION OF EDISON ROAD AND HICKORY ROAD; THENCE NORTH 90°00'00" EAST A DISTANCE OF 51.89 MOR OR LESS; THENCE NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HICKORY ROAD FOR THE NEXT FIVE (5) COURSES, NORTH 40°00'00" WEST A DISTANCE OF 18.50 FEET MORE OR LESS AND NORTH 00°00'00" WEST A DISTANCE OF 18.40 FEET MORE OR LESS AND AROUND A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 231.50 FEET MORE OR LESS AND NORTH 20°22'07" WEST A DISTANCE OF 112.50 FEET MORE OR LESS AND AROUND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 23.93 FEET MORE OR LESS; THENCE NORTH 88°50'37" EAST A DISTANCE OF 316.40 FEET MORE OR LESS; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 393.00 MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISION ROAD; THENCE NORTH 90°00'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 217.20 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 2.30 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PRELIMINARY SITE PLAN

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 2 EAST,
CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



TABULATED SITE D

1). ACREAGE OF SITE ....

2). PROPOSED LAND USE: CONVENIENCE STORE WI
AND A CARWASH FACILI

3). PARKING RATIO REQUIRED BY ORDINANCE;

A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 S(
FLOOR AREA;
· NUMBER OF SPACES REQUIRED FOR 3,360
GROSS FLOOR AREA ....
NUMBER OF SPACES PROVIDED...........

4). PROPOSED LAND COVERAGE:
A. BUILDINGS ....
B. PARKING, WALKS AND DRIVES...........
C. OPEN SPACE ....

5). BUILDINGS SHOWN ARE 1 STORY.

6). BUILDINGS WILL BE CONNECTED TO MISHAWA

7). DRIVEWAY OPENINGS SHOWN ARE EXISITING.

8). LANDSCAPING AND SIGNAGE PER MISHAWAKA

BUILDING SETBACKS

(A) 25.0' FRONT-YARD SETBACK
(B) 30.00 SIDE-YARD SETBACK U
(C) 5.00' REAR-YARD SETBACK

MICHAEL J. DANCH REGISTERED No. 085 STATE OF INDIANA LANDSCAPE ARCHITECT

0

SEP 23 2015

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:			R E
9/4/15	SMM			
SCALE	CHECKED BY:	DATE	BY	
1" = 30'	MJD			
FILE #	PROJ. MANGR:			
150212	SMM			

Pet 15-28

Date: September 21, 2015

SEP 23 2015

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

Pet 15-29

RE: Douglas Road Associates, LLC,
Petition for rezoning:

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT A POINT OF INTERSECTION OF DOUGLAS ROAD AND FIR ROAD; THENCE NORTH 90°00'00" WEST ALONG THE CENTERLINE OF SAID DOUGLAS ROAD A DISTANCE OF 417.50 FEET MORE OR LESS; THENCE NORTH 00°00'00" WEST A DISTANCE OF 50.80 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST A DISTANCE OF 303.10 FEET MORE OR LESS; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 151.20 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF FIR ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY A DISTANCE OF 235.50 FEET MORE OR LESS AND SOUTHEASTERLY A DISTANCE OF 77.00 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT THREE (3) COURSES, SOUTHWESTERLY A DISTANCE OF 68.70 FEET MORE OR LESS AND NORTH 90°00'00" WEST A DISTANCE OF 93.50 FEET MORE OR LESS AND SOUTHWESTERLY A DISTANCE OF 122.50 FEET MORE OR LESS TO THE PLACE OF BEGINNING.
CONTAINING 1.56 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as the Northwest corner of Douglas Road and Fir Road, Granger, Indiana 46530.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-10" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a convenience store with gas pumps on the site.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.

Stephen A. Studer

Stephen A. Studer-Attorney for the
Douglas Road Associates, LLC
(574) 277-1207

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 30 2015
CITY CLERK
MISHAWAKA, IN

LEGAL DESCRIPTION

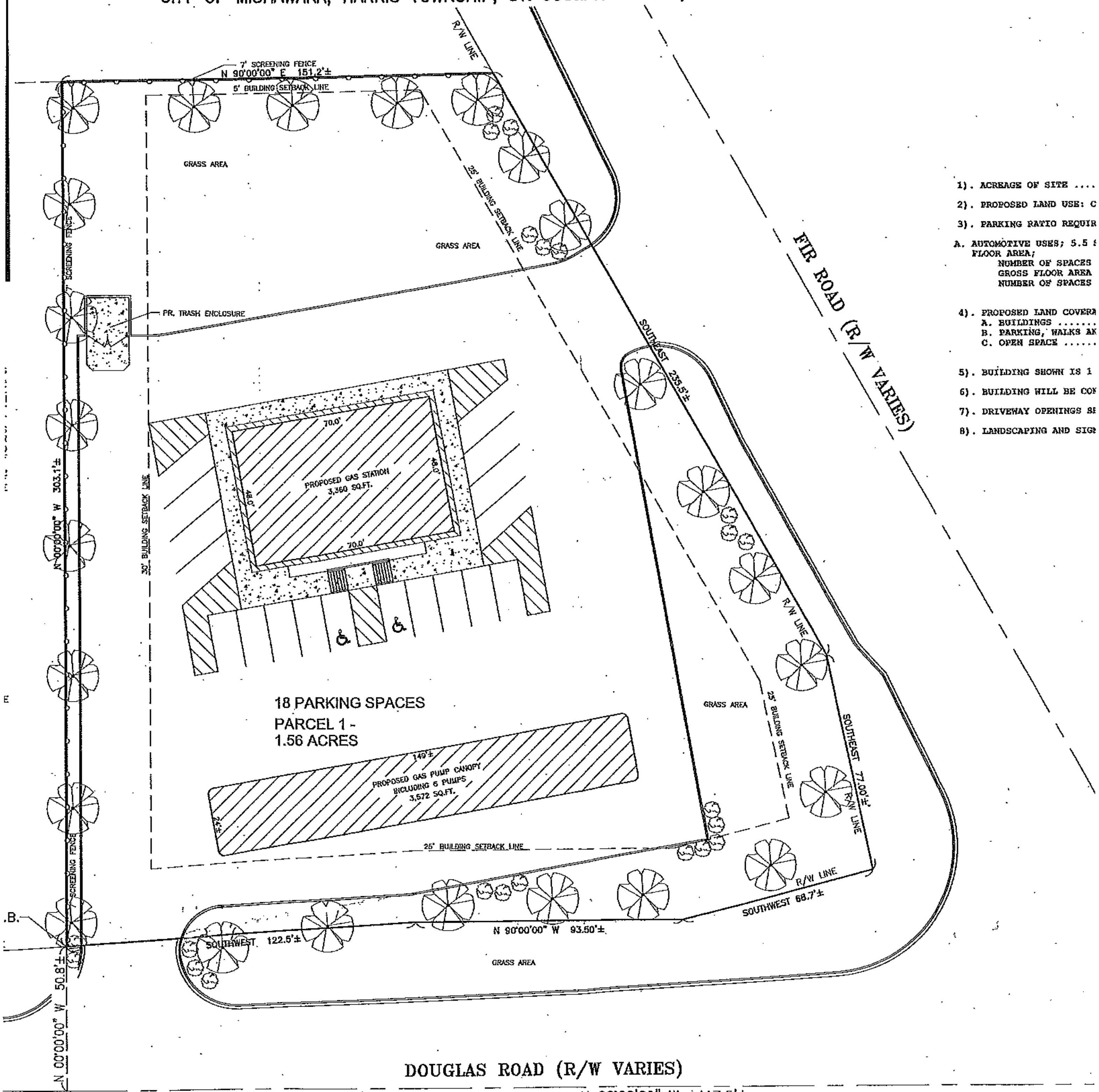
A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT A POINT OF INTERSECTION OF DOUGLAS ROAD AND FIR ROAD; THENCE NORTH 90°00'00" WEST ALONG THE CENTERLINE OF SAID DOUGLAS ROAD A DISTANCE OF 417.50 FEET MORE OR LESS; THENCE NORTH 00°00'00" WEST A DISTANCE OF 50.80 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" WEST A DISTANCE OF 303.10 FEET MORE OR LESS; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 151.20 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF FIR ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY A DISTANCE OF 235.50 FEET MORE OR LESS AND SOUTHEASTERLY A DISTANCE OF 77.00 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT THREE (3) COURSES, SOUTHWESTERLY A DISTANCE OF 68.70 FEET MORE OR LESS AND NORTH 90°00'00" WEST A DISTANCE OF 93.50 FEET MORE OR LESS AND SOUTHWESTERLY A DISTANCE OF 122.50 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

CONTAINING 1.56 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PRELIMINARY SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



1). ACREAGE OF SITE ....

2). PROPOSED LAND USE: C

3). PARKING RATIO REQUIR

A. AUTOMOTIVE USES; 5.5 S
FLOOR AREA;
NUMBER OF SPACES
GROSS FLOOR AREA
NUMBER OF SPACES

4). PROPOSED LAND COVERA
A. BUILDINGS ....
B. PARKING, WALKS AN
C. OPEN SPACE ......

5). BUILDING SHOWN IS 1

6). BUILDING WILL BE CON

7). DRIVEWAY OPENINGS SE

8). LANDSCAPING AND SIGN

MICHAEL J. DANCH
REGISTERED
No. 085
STATE OF INDIANA
LANDSCAPE ARCHITECT

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:		
9/3/15	SMM		
SCALE	CHECKED BY:	DATE	BY
1" = 20'	MJD		
FILE #	PROJ. MANGR:		
150213	SMM		

Pet 15-29

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

To The: Honorable members of the
Common Council of the
City of Mishawaka, Indiana

September 18, 2015

SEP 23 2015

RE: Approval of an Amended PUD for
The 12th Street Planned Unit Development:

Pet 15-30

The undersigned, Village Green Mishawaka Holdings, LLC, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

Part of the North Half of the Northwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana: Commencing at the Northwest corner of said Section 23; thence N. 89°40'51" E., 270.00 feet along the North line of said Section; thence S. 00°00'00" E., 40.00 feet to the proposed South right-of-way of 12th Street and the point of beginning; thence N. 89°40'51" E. along said right-of-way 1262.22 feet; thence S. 00°00'00" E., 772.54 feet; thence S. 89°40'53" W., 442.06 feet; thence N. 73°49'30" W., 648.25 feet; thence N. 89°40'51" W., 197.56 feet; thence N. 00°00'00" W., 588.48 feet to the point of beginning.
Containing 20.24 acres more or less.
Subject to all legal highways, easements, and restriction of record.

Also commonly known as property located in the 1400 Block of East 12th Street, Mishawaka, Indiana 46544. Te above described parcel of land is presently zoned "S-2" Planned Unit Development district and was approved to allow for commercial and industrial uses.

The Petitioners of said real estate desire to amend the existing "S-2" Planned Unit Development district to allow for "R-3" Residential uses in the existing Planned Unit Development District with "R-3" Development standards. The purpose for this amended Planned Unit Development would allow for the construction of a multi-family development with a community center.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka city plan commission and that after hearing, an appropriate ordinance be enacted allowing for the requested amended "S-2" Planned Unit Development with the proposed "R-3" Residential District Uses.

For Village Green Mishawaka Holdings, LLC
1434 Fallcreek Drive
Mishawaka, Indiana 46544

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

Legal Description:

Part of the North Half of the Northwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana: Commencing at the Northwest corner of said Section 23; thence N. 89°40'51" E., 270.00 feet along the North line of said Section; thence S. 00°00'00" E., 40.00 feet to the proposed South right-of-way of 12th Street and the point of beginning; thence N. 89°40'51" E. along said right-of-way 1262.22 feet; thence S. 00°00'00" E., 772.54 feet; thence S. 89°40'53" W., 442.06 feet; thence N. 73°49'30" W., 648.25 feet; thence N. 89°40'51" W., 197.56 feet; thence N. 00°00'00" W., 588.48 feet to the point of beginning.
Containing 20.24 acres more or less.
Subject to all legal highways, easements, and restriction of record.

E NORTHWEST QUARTER OF SECTION
EAST, PENN TOWNSHIP, ST. JOSEPH
THE NORTHWEST CORNER OF SAID
E 270.00 FEET ALONG THE NORTH
00°00'00" E 40.00 FEET TO THE
STREET, ALSO BEING THE POINT OF
ALONG SAID RIGHT-OF-WAY 1262.22
2.54 FEET; THENCE S 89°40'53" W
W 648.25 FEET; THENCE N 89°40'51"
0" W 588.48 FEET TO THE POINT OF

LESS.
, EASEMENTS, AND RESTRICTION OF

.............20.24 ACRES

	SQUARE FOOTAGE	% OF SITE
	160,739.32	18.24
	256,140.29	29.05
	429,667.16	48.74
	34,893.45	3.96
TOTAL	881,440.22	100.00

UNIT RESIDENTIAL

UNITS:	NUMBER OF UNITS	% OF TOTAL
	96	27%
	204	57%
	60	16%
TOTAL	360	100%

ZONING ORDINANCE:
NT.
IRED FOR 360 UNITS.................. 540 SPACES

CES PROVIDED.................. 565 SPACES
CES PROVIDED.................. 13 SPACES
TOTAL PROVIDED 578 SPACES

NICIPAL SANITARY SEWER AND MUNICIPAL WATER.

INC.

O BE HANDLED TO MEET THE STANDARDS
A ENGINEERING DEPARTMENT.

THREE (3) STORIES.

TO THE CITY OF MISHAWAKA STANDARDS.

TER

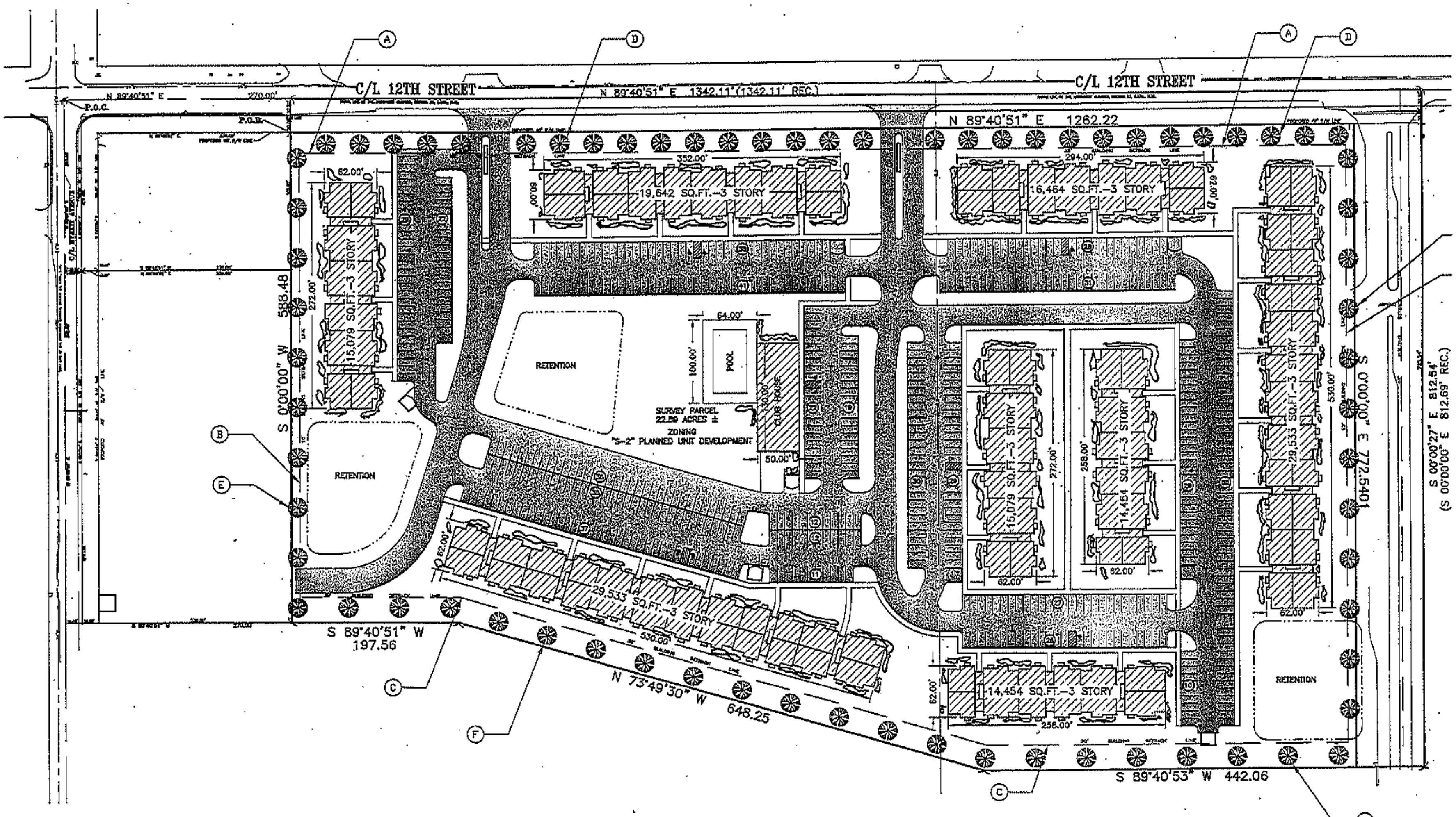
TER

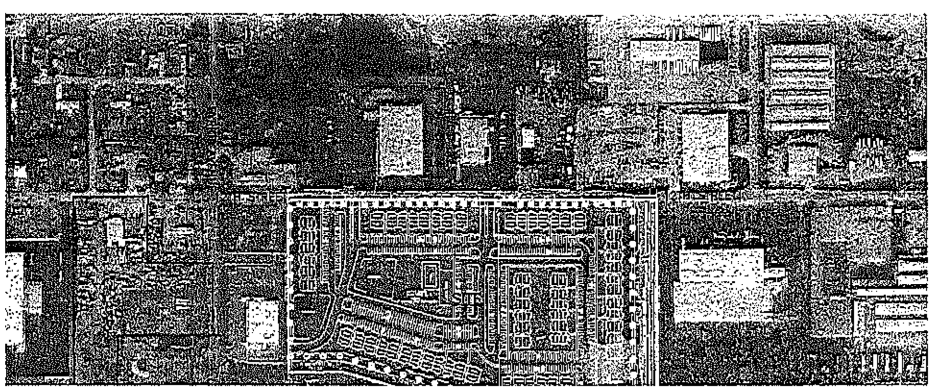
TER

INTENDED FOR THE CLIENT ONLY. ANY REUSE

AMENDED P.U.D. SITE PLAN – BYRKIT AVENUE

A PART OF THE NORTHWEST QUARTER OF SECTION 23, T. 37 N., R. 3 E.,
PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA





N ↑

Ref 15-30

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

SEP 23 2015

Pet 15-32

DATE: September 23, 2015

TO THE: Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: **PETITION FOR ANNEXATION AND ZONING CLASSIFICATION**
15170 Cleveland Road and Property Adjacent to the South

The undersigned, Donald L. Seggerman and the Devisees of the Last Will of Evelyn Marjorie Everding subject to the rights of Malcolm J. Tuesley Jr., Personal Representative of the Estate of said Decedant, Estate No. 71J01-0810-ES-000403, St. Joseph County Probate Court, respectfully show that they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 656 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF A PARCEL OF LAND AS RECORDED IN DEED BOOK 635, PAGE 357 IN THE OFFICE OF RECORDER OF SAID COUNTY; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED AND EAST LINE, 357 FEET MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTH 64°09' WEST ALONG SAID RIGHT OF WAY, 137 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID RIGHT OF WAY 366 FEET MORE OR LESS; THENCE NORTH 49°32' WEST, 92 FEET MORE OR LESS, TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°43' EAST ALONG THE WESTERLY RIGHT OF WAY OF FIR TRAIL, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID RIGHT OF WAY 95 FEET MORE OR LESS; THENCE NORTH 11°17' EAST ALONG SAID RIGHT OF WAY, 156 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND RIGHT OF WAY 29 FEET MORE OR LESS; THENCE NORTH 15°18' EAST ALONG SAID RIGHT OF WAY, 243 FEET MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID RIGHT OF WAY, 281 FEET MORE OR LESS; THENCE NORTH 83°04' EAST ALONG SAID RIGHT OF WAY, 34 FEET MORE OR LESS TO A POINT ON THE EXTENDED EAST LINE OF SAID PARCEL OF LAND RECORDED IN DEED BOOK 635, PAGE 357 IN SAID RECORDERS OFFICE; THENCE SOUTH 00°25' EAST ALONG SAID EXTENDED EAST LINE, 44 FEET MORE OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 4.7 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Petitioners own One Hundred (100%) percent of the above described parcel of land, excluding the adjacent road right-of-ways, and is located within Section 27, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a "C-6" Commercial District zoning classification. Petitioners further state they intend to utilize said land for office and medial office uses.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and conceptual development plan.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a "C-6" Commercial District zoning classification.

Donald Seggerman by Cathy Peterson POA

Donald L. Seggerman, Owner
Property Adjacent to the South

Malcolm J Tuesley Jr - Pers Rep

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

Petitioners own One Hundred (100%) percent of the above described parcel of land, excluding the adjacent road right-of-ways, and is located within Section 27, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a "C-6" Commercial District zoning classification. Petitioners further state they intend to utilize said land for office and medial office uses.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and conceptual development plan.

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a "C-6" Commercial District zoning classification.

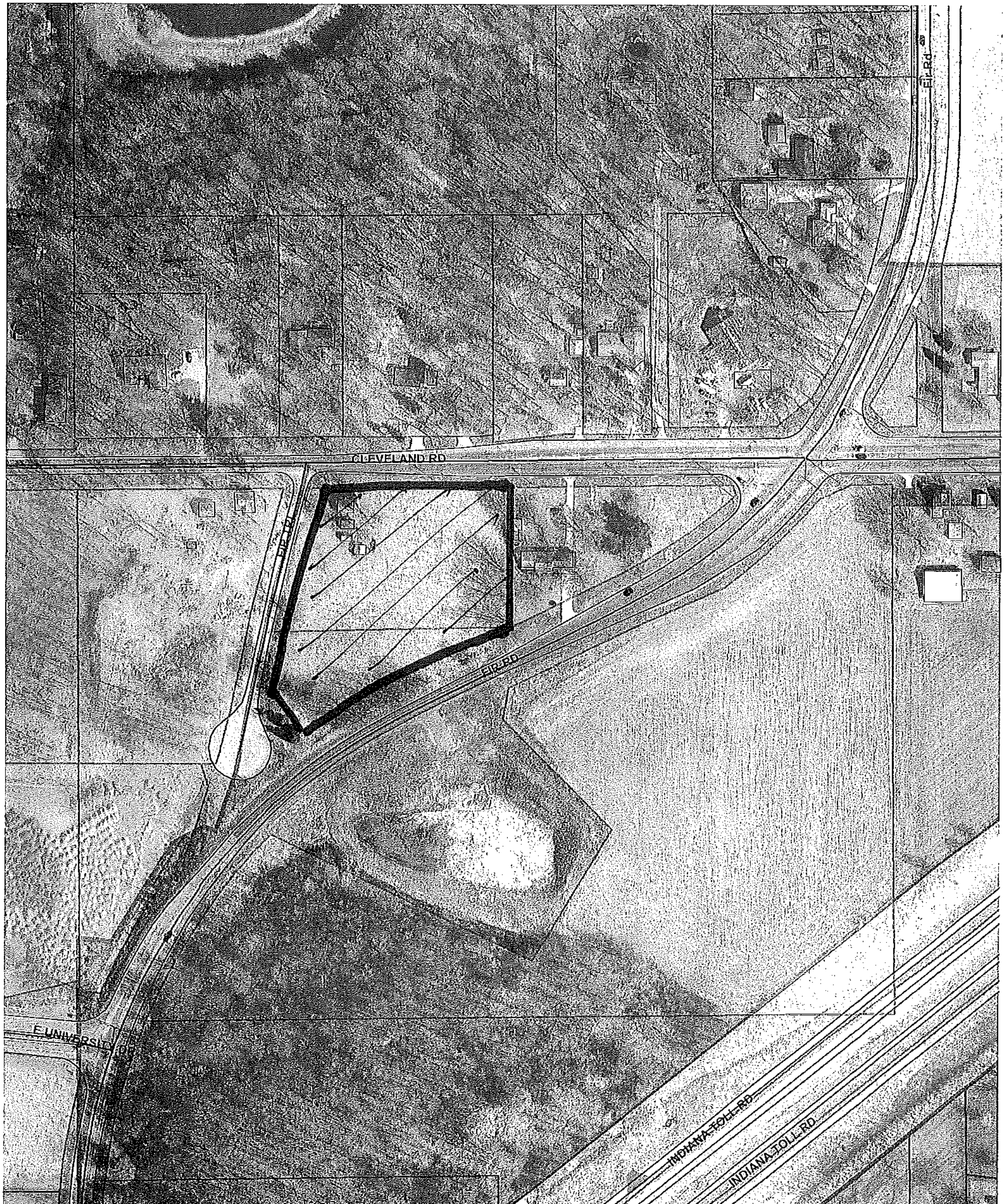
Donald L. Seggerman, Owner
Property Adjacent to the South

Malcolm J. Tuesley Jr., Pers Rep

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



Fir Rd
CLEVELAND RD
FIR RD
FIR RD
E UNIVERSITY DR
INDIANA TOLL RD
INDIANA TOLL RD

Ret 15-32

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 30 2015

CITY CLERK
MISHAWAKA, IN

DATE: September 23, 2015

SEP 23 2015

TO THE: Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Pet 15-33

RE: **PETITION FOR VACATION OF PUBLIC RIGHT OF WAY AND UNDERLYING UTILITY EASEMENT RIGHTS**

FIR TRAIL – Between Fir Road and Cleveland Road

The undersigned, Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding subject to the rights of Malcolm J. Tuesley Jr., Personal Representative of the Estate of said Decedant, Estate No. 71J01-0810-ES-000403, St. Joseph County Probate Court, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°25' WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 768 FEET MORE OR LESS; THENCE SOUTH 00°34'57" EAST, 30.00 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD AND THE EASTERLY RIGHT OF WAY OF FIR TRAIL; THENCE SOUTH 15°18' WEST ALONG THE EASTERLY RIGHT OF WAY OF FIR TRAIL, 182 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID EASTERLY RIGHT OF WAY, 27 FEET MORE OR LESS; THENCE SOUTH 11°17' WEST ALONG SAID EASTERLY RIGHT OF WAY, 120.23 FEET MORE OR LESS; THENCE SOUTH 36°27' EAST ALONG SAID RIGHT OF WAY, 96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF FIR ROAD; THENCE SOUTHWESTERLY ALONG A CURVE AND SAID NORTHERLY RIGHT OF WAY, 223 FEET MORE OR LESS; THENCE NORTH 49°33' WEST A ALONG SAID NORTHERLY RIGHT OF WAY, 2 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF FIR ROAD AND THE WESTERLY RIGHT OF WAY OF FIR TRAIL; THENCE NORTH 18°44' EAST ALONG SAID WESTERLY RIGHT OF WAY, 114 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 95 FEET MORE OR LESS; THENCE NORTH 11°17' EAST ALONG SAID WESTERLY RIGHT OF WAY, 156 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG A CURVE AND SAID WESTERLY RIGHT OF WAY 29.47 FEET; THENCE NORTH 15°18' EAST ALONG SAID WESTERLY RIGHT OF WAY, 170 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF CLEVELAND ROAD; THENCE NORTH 89°25' EAST ALONG SAID NORTHERLY RIGHT OF WAY, 42 FEET MORE OR LESS TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.6 ACRES, MORE OR LESS AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

Accompanying this petition is a drawing, to scale, showing the above-described right of way and underlying utility easement rights to be vacated.

Donald Seggerman by Cathy Peterson POA
Donald L. Seggerman, Owner
Property Adjacent to the South of 15170 Cleveland Road

[illegible] Pers Rep
Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

Accompanying this petition is a drawing, to scale, showing the above-described right of way and underlying utility easement rights to be vacated.

Donald L. Seggerman, Owner
Property Adjacent to the South of 15170 Cleveland Road

Malcolm J. Tuesley Pers Rep

Malcolm J. Tuesley Jr., Personal Representative of the Estate
15170 Cleveland Road

CONTACT PERSON:

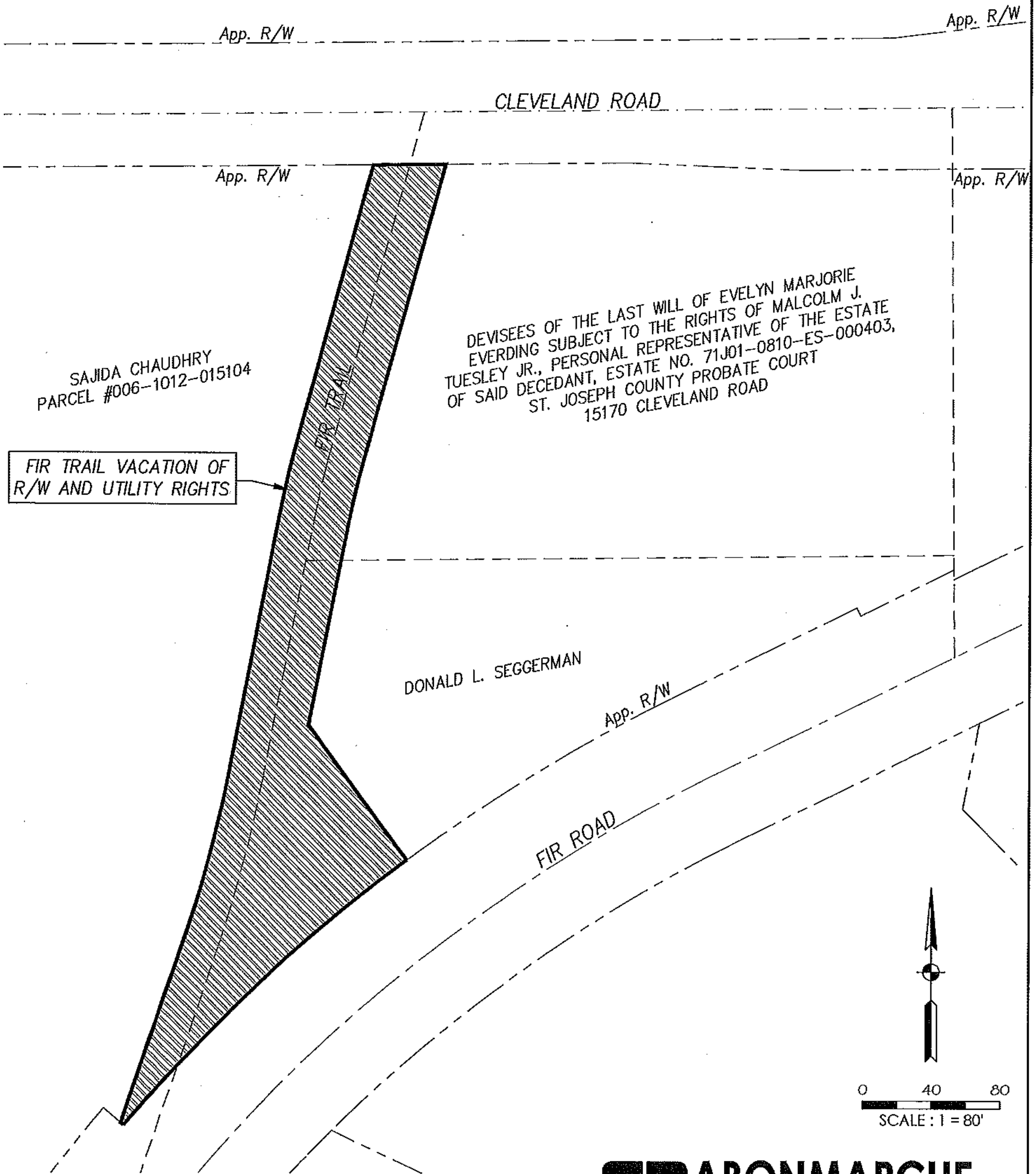
Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

Sajida Chaudhry, Owner
Parcel #006-1012-015104
(Adjacent to West Side of Fir Trail)

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com

EXHIBIT A



FIR TRAIL
VACATION OF RIGHT-OF-WAY
AND UTILITY EASEMENT RIGHTS
(BETWEEN FIR ROAD AND CLEVELAND ROAD)

ABONMARCHE
Confidence By Design

DATE: 09-23-15 ACI JOB #: 15-0797 SHT: 1 of 1

E:\CIVIL 3D\ENG PROJ\15-0797 Dr Kazi Medical Office\dwg\Fir Trail ROW Vacation\Fir Trail ROW Vacation Exhibit.dwg, EXHIBIT, 9/23/2015 1:15:02 PM, Letter, 1:1

Res 15-33

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2015- 26

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 5457 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, THAT:

Section 1. Ordinance number 5457 passed by the Common Council of the City of Mishawaka, Indiana, on the 20th of October, 2014 is hereby amended as follows:

Planning Department	Annual	Bi-Weekly Salary Beginning January 2, 2015
SENIOR PLANNER/ECONOMIC SPECIALIST	49,200	$1,822.22

Section 2. This ordinance shall be in full force and effect from and after its signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on

this ___ day of _____2015, at _____o'clock, p.m.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this ___ day of _____, 2015,

at_____o'clock, p.m.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this ___ day of______, 2015, at _____o'clock, p.m.

____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: October 2, 2015

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: **2015** City salary ordinance amendment

For first reading on Monday there will be an amendment to this year's salary ordinance as mentioned in the Planning department budget meeting. With the resent resignation of the Senior Planner, Ken Prince has revised the job description and added more responsibilities relating to economic development duties. The pay will be commensurate with the additional duties increasing to $49,200 annually from $44,698.

Please contact me with any questions.

c: David A. Wood, Mayor
Ken Prince, City Planner

CITY OF MISHAWAKA
ECONOMIC-COMMUNITY DEVELOPMENT-PLANNING

A. JOB TITLE

Senior Planner/Economic Development Specialist

B. DEFINITION

Employee is responsible for providing professional planning and economic development support to the Department of City Planning and Community Development including coordinating review for land use, tax abatement, subdivision and site plans, evaluating applications, and making recommendations to the Plan Commission, Board of Zoning Appeals, and Redevelopment Commission. The employee is also responsible for performing a wide variety of land use planning and economic development functions. Functions include but are not limited to working with the public, issuing permits, preparing codes and ordinances, and contributing to the long range planning efforts of the City. Employee reports to and receives supervision from the Executive Director.

C. EQUIPMENT USED

1. IBM Compatible Computer
2. Digital Camera
4. Daily access to a City Vehicle as needed
5. Digital Video Camera
6. Scanner
7. Computer Printers
7. Facsimile Machine
8. Drafting Equipment
9. Copier

D. JOB LOCATION

Eighty percent of the work is performed in a private office. Approximately twenty percent of the work may be in the field. The field could include but shall not limited to public meetings, civic meetings, construction coordination, site investigations, training, seminars, educational activities, as well as, attendance at relevant meetings outside the community.

E. PHYSICAL REQUIREMENTS

The employee will perform tasks through:

1. Manual Dexterity
2. Walking
3. Sitting
4. Bending
5. Light Lifting
6. Driving
7. Public Speaking
8. Professional Writing
9. Visual Review/Observation
10. Drawing/Drafting
11. Critical Thinking

F. ENVIRONMENTAL/WORKING CONDITIONS

Working conditions within the office suite cubicles are climate controlled, and quiet. Out of doors work is subject to all types of weather. The position requires occasional travel and investigations in poor weather conditions. The position requires visiting construction sites with debris and hazards typically associated with construction work.

G. ESSENTIAL FUNCTIONS OF THE JOB

1. Serves as the principal staff member for Plan Commission and Board of Zoning Appeals cases. Position prepares staff reports including site investigations, digital photography, and preparation of graphics necessary to convey appropriate professional information and recommendations. Position prepares the individual site maps, reviews legal descriptions, and reviews applications for all Administrative, Plan Commission and Board of Zoning Appeals cases. Attendance at evening Plan Commission and Board of Zoning Appeals meetings is mandatory.
2. The Department of City Planning serves as the clearing house for development related projects and requests. Position is responsible for the distribution of plans and proposals to the various department heads for comments. The position serves as the lead communication contact for the City regarding pending projects.
3. Responsible for working with developers who have an interest in developing projects within the municipal limits or immediately outside city boundaries.
4. Day to day activities include, but are not limited to, providing information to the general public on matters relating to zoning, rezoning, annexations, vacations of public right of way, subdivision regulations, sign control, floodplains, historic buildings, and economic development.
5. Responsible for issuing Improvement Location Permits for Construction within the City including evaluating construction projects relative to the National Flood Insurance Program (NFIP). Responsibilities include reviewing documentation and issuing acknowledgement letters for legal non-conforming uses.
6. Position is responsible for conducting limited enforcement duties including conducting site investigations and writing letters regarding violations of the Zoning Ordinance, Subdivision Control Ordinance, and Sign Ordinance.
7. The Department of City Planning is a smaller office with limited staff resources. As such, the position is responsible for assisting with any functions normally performed by other staff members to insure the smooth operation of the department.
8. Position is responsible for providing assistance in the preparation of fiscal plans associated with both voluntary and involuntary annexations. Work may include researching applicable property owners, tax information, and other records.
9. The Department of City Planning serves a repository for information and records. As such, this position assists in the continual preservation and maintenance of maps, records, and files associated with the work of the Department.
10. Assists the Director in coordinating smaller construction projects not typically associated with the Board of Public Works road and utility work, including parks, riverwalk, and associated development projects.
11. Assists in the preparation and revision of land use codes and ordinances as determined by the Director. Ability to learn and create a working knowledge of the Indiana Code is helpful to perform the tasks associated with this position.
12. Assist in the preparation of Historic Preservation Districts including ordinances, maps, preservation guidelines, and standards.
13. Coordinates and manages the tax abatement records of the City including working with area businesses from contact, to yearly CF-1 form compliance.
14. Assists the director in coordinating and managing the City's Tax Increment Financing District. Responsible for assisting in preparing district amendments and on-going project and revenue analysis as may be directed.
15. Responsible for regularly attending Redevelopment Commission and City Council meetings on an as needed basis.

H. ADDITIONAL REQUIRED WORK PERFORMED

Because of the variation of duties it is not possible to list all additional work which may be occasionally performed. It is necessary to understand that the Director may assign a variety of other tasks as may be required to ensure that the Department of City Planning operates smoothly.

I. REQUIRED KNOWLEDGE AND ABILITIES

1. Professional writing and verbal communication skills.
2. Ability to work with the public.
3. Knowledge of land use codes and ordinances.
4. Knowledge of tax abatement and use of tax increment financing.
5. Creative thinking regarding problems and solutions.
6. Drafting and cartography skills helpful.
7. Working knowledge of personal computers, spread sheets, and related office software.
8. Ability to review construction drawings for the built environment.
9. Knowledge of AutoCAD and Geographic Information Systems (ERSI).

J. QUALIFICATIONS

A minimum of:

1. Undergraduate degree in urban planning, landscape architecture, or appropriately related field.
2. Five years of progressively responsible land use planning experience
3. A Graduate degree in urban planning, landscape architecture, or appropriately related field may substitute for up to two years of experience.
4. A valid Indiana Drivers License is required.

Preferred:

1. Certified by the American Institute of Certified Planners (AICP)
2. A Professional License in Landscape Architecture (RLA), Council of Landscape Architecture Registration Board.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **BUILDING - COMMUNITY DEVELOPMENT - PLANNING**

October 1, 2015

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Declaratory Resolution 2015-35
Tax Abatement- Bayer Healthcare
Proposed Bayer Customer Logistics Service Center

Dear Council Members and Clerk:

Attached is Declaratory Resolution 2015-35 for a tax abatement request that has been filed for consideration at your Monday October 5th Meeting. The request is for the Bayer Healthcare which is proposing to construct a new office building on Beacon Parkway north of the Indiana Toll Road. The proposed project is an Edison Lakes style office building with surface parking. The estimated construction costs associated with the proposed 60,000 square foot building is 12.5 million dollars. What is more significant than the substantial building is the number of high paying jobs associated with the request. In this case Mishawaka has been in direct competition with other communities, including those outside of Indiana. Bayer is headquartered in Germany and has a substantial US presence in New Jersey. If this tax abatement is approved and Bayer decides to build this facility, 171 existing white collar jobs would be retained in the City. Currently, these jobs are housed at 3930 Edison Lakes Parkway in the Edison Lakes Corporate Park. On the SB-1 form, Bayer has identified that these existing retained jobs pay between 35 and 42 dollars per hour. In addition, as part of the new construction, Bayer would be committing to adding an additional 50-60 positions over the next few years. These jobs would have a salary range of 25-35 dollars per hour. Bayer is requesting a standard ten-year abatement on the proposed improvements consistent with what Mayor Wood identified that he would recommend when the City was contacted earlier this year by the Chamber of Commerce. A copy of their applications and relevant materials, including Mayor Woods letter have been attached for your review and information.

Identical to the tax abatement recently heard from Barak Iron Rock, this property is located within the City's consolidated TIF District. As such, the City of Mishawaka Redevelopment Commission was required to consider the requests as the TIF designating body. This is an extra step in the normal abatement process. Outside the TIF areas of the City consideration of abatements is under the exclusive jurisdiction of the Mishawaka Common Council as the legislative body of the City. The Redevelopment Commission sign off was required and appropriate because statewide, revenue generated from the new tax increment generated by developments such as this may be counted on to pay off debt obligations within tax increment district. Thus, if the abatement were to be approved within the TIF district, it could

City Hall ◦ 600 East Third Street ◦ Mishawaka IN ◦ 46544-2241
Community Development ◦ Redevelopment ◦ Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning ◦ Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

jeopardize the re-payment of bonds or other infrastructure improvements within the district. In this case, given the size of the TIF district relative to the size of the proposed project, this abatement request was determined by the Commission as not have a an impact on the Commission's ability to complete projects or re-pay debt within or benefiting the district. As such, on Monday September 28th, 2015 the Redevelopment Commission approved the request and forwarded it on to the Mishawaka Common Council.

As you are aware, Tax Abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration.

Once the Declaratory Resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the October 5th meeting is the declaratory resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed financial analysis of the request as part of your consideration of the confirming resolution which would tentatively be reviewed at your Monday October 19th meeting.

Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 01 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-35

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING CERTAIN AREAS WITHIN THE CITY OF MISHAWAKA, INDIANA, KNOWN AS

A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

TO BE AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BAYER HEALTHCARE and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana requesting the area known as the land on Beacon Parkway, Mishawaka, Indiana, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55'40" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21'57" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07'48" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52'12" WEST, 404.51 FEET; THENCE NORTH 00°27'48" WEST, 411.57 FEET; THENCE NORTH 56°55'30" EAST, 357.85 FEET; THENCE SOUTH 35°00'28" EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41'54" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.36 FEET, BEARING SOUTH 51°07'47" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52'13" EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08'04" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

WHEREAS, the City, through its Redevelopment Commission has conducted an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area and Economic Development Target Area under Indiana Code § 6-1.1-12.1-1 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Redevelopment Commission has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area and Economic Development Target Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana, as follows:

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;

2. That the description of the proposed redevelopment of rehabilitation meets the applicable standards for such development;

3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

6. That the other benefits are sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;

7. The Common Council hereby accepts the report and recommendation of the Redevelopment Commission that the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;

8. The designation as an Economic Revitalization Area and Economic Development Target Area shall be limited to ten (10) calendar years from the date of the adoption of this Resolution by the Common Council;

9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for the Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND

10. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this ____ day of October, 2015.

____
Dale "Woody" Emmons, President

ATTEST:

____
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _______ day of October, 2015.

____
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this _____ day of October, 2015, at _____ o'clock ____.M.

____
David A. Wood, Mayor

MEMO

Date: September 24, 2015

To: Redevelopment Commissioners

From: Kenneth B. Prince, City Planner / Executive Director

Re: Tax Abatement Request in the TIF District
Bayer Healthcare- Beacon Parkway
Resolution 2015-10

Earlier this year the City was contacted through the St. Joseph County Chamber of Commerce and the Indiana Economic Development Corporation regarding Bayer Healthcare, and their plans to build a replacement facility for a Bayer Customer Logistics Service Center, which is currently located in Edison Lakes. At that time, Bayer was asking what kind of incentives would be offered by the State of Indiana and locally by the City. Typically, the State in part offers incentives based on what local municipalities offer. Essentially, they want to know that it is both a cooperative effort and that the company is valued locally.

As you may be aware, Bayer has divested most of its assets in this region including a large production facility in Elkhart, and selling a manufacturing facility located off of Byrkit Street here in Mishawaka to Siemans. As such, knowing that the City was in direct competition with out of state location in New Jersey and Michigan, Mayor Wood submitted a letter to both Bayer and the IEDC regarding what he would recommend in terms of a tax abatement on a new facility that would not only house the 171 existing positions located in Edison Lakes, but would also receive an additional 50-60 additional jobs over the next few years.

Mayor Wood committed to support a 10-year abatement for the proposed facility. A copy of Mayor Wood's letter has been attached for your use and reference. Based in part on this commitment by

Mayor Wood, we are pleased to report that Bayer has tentatively made a commitment to keep this facility here in Mishawaka. They are specifically working with Browning Development out of Indianapolis to build a new state of the art office building on Beacon Parkway. These are white collar high paying jobs for the region, and are important to the on-going diversification of our local economy. When we discuss the issue of brain drain, and the fact that more of our college graduates leave this area to find employment than remain, we specifically are discussing the lack of opportunities that exist like this proposed Bayer facility. These are the types of jobs that will help retain and attract talent to this region.

The only code reason that this request is being brought before the Redevelopment Commission is the fact that the property is located within the City's consolidated TIF district, and that the state statute requires the TIF designating body to sign off on the request. This is an extra step in the normal abatement process which outside the TIF areas of the City, would fall under the exclusive jurisdiction of the Mishawaka Common Council as the legislative body of the City.

As previously indicated with other abatement requests in the TIF district, we believe that this sign off is required and appropriate because statewide, revenue generated from the new tax increment generated by developments such as this may be counted on to pay off debt obligations within tax increment district. Thus, if the abatement were to be approved, it could jeopardize the re-payment of bonds or other infrastructure improvements within the district.

In this case, the City has not obligated the anticipated revenue that would be generated from this specific property. Currently, the TIF District generates about 18 million dollars a year in increment. There are hundreds of millions of dollars of projects that will be performed over time with these funds that were identified as part of the Capital improvement plans included as part of the 2014 modification and consolidation of the district. Given that the City's current preference is to accumulate funds and pay cash rather than financing and paying interest, no financing or repayment would be placed in jeopardy as a result of this abatement. The last financed project the City undertook was one million dollars of the Battell Center Rehabilitation project which is slated to begin in October.

Given the size of the district relative to the size of the proposed project, this individual abatement request will not have a significant impact on the Commission's ability to complete projects within or benefiting the district. As such, staff is recommending that the Redevelopment Commission approve the request and forward it on to the Mishawaka Common Council, where the specific merits of the request, specifically the investment, type of use, number of jobs, wages, benefits, and length of abatement will be reviewed, discussed, and debated.

Relative to the specifics of the request, the Developer is requesting a 10-year standard abatement as supported by Mayor Wood. If approved, this would abate 100% of the property taxes in the first year of the abatement, with a reduction in abatement percentage by year of 10%. In the tenth year of the abatement, only 10% of the property taxes would be abated.

Please contact me if you have any questions regarding this resolution. Thank you for your consideration.

RESOLUTION 2015-10 (Bayer Healthcare)

THE CITY OF MISHAWAKA, INDIANA,
REDEVELOPMENT COMMISSION APPROVING
THE DESIGNATION OF CERTAIN PROPERTY AS AN
ECONOMIC REVITALIZATION AREA AND
ECONOMIC DEVELOPMENT TARGET AREA

WHEREAS, the City of Mishawaka, Indiana (the "City") has authority under IND. CODE § 6-1.1-12.1-1 et seq., to allow a deduction from the assessed value of various types of redeveloped or rehabilitated real property (i.e., tax abatement) located within an Economic Revitalization Area (an "ERA");

WHEREAS, the City has authority to allow a deduction from the assessed value of redeveloped or rehabilitated real property to be used for retail and/or residential purposes which is (a) located within an ERA, and (b) also designated as an Economic Development Target Area under IND. CODE § 6-1.1-12.1-7;

WHEREAS, the Applicant has requested that the Commission consider, and recommend to the Common Council of the City that it approve, the designation of the Property identified on Exhibit "A" as an ERA and Economic Development Target Area;

WHEREAS, the characteristics of property that may be designated an Economic Development Target Area include the same characteristics as property designated as an Economic Revitalization Area, such as the property is vacant and warrants consideration for development and occupancy;

WHEREAS, the Commission has heard evidence regarding the necessity of targeting the Property for the future economic development efforts of the City;

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission acknowledges that the requirements for designating property as an Economic Revitalization Area and an Economic Development Target Area are the same for purposes of Indiana law.

2. The Commission acknowledges that the development of the Property for a nationwide customer service logistics center is necessary to promote a more desirable and normal development of the Property and surrounding areas.

3. After considering the evidence, the Commission hereby approves the designation of the Property as an ERA and Economic Development Target Area and recommends that the Common Council of the City also approve such designation, all in full support for approving Applicant's request for tax abatement per the requested schedule (a ten year standard abatement), thus encouraging significant growth and development of the Property.

4. This Resolution shall be in full force and effect after its adoption by the Commission.

DATED in Mishawaka, Indiana, this 28th day of September, 2015.

____
President

ATTEST:

____
Secretary

EXHIBIT A
TAX ABATEMENT AREA
AND ECONOMIC DEVELOPMENT TARGET AREA

LEGAL DESCRIPTION
BEACON HEALTHCARE AT BEACON PARKWAY SUBDIVISION

A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26″ EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2,325.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BEACON PARKWAY; THENCE SOUTH 48°15′13″ WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 271.86 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1060.00 FEET, SUBTENDED BY A CHORD OF 86.04 FEET, BEARING SOUTH 45°55′40″ WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 86.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,060.00 FEET, SUBTENDED BY A CHORD OF 376.73 FEET, BEARING SOUTH 33°21′57″ WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE, 378.74 FEET; THENCE SOUTH 23°07′48″ WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 110.17 FEET; THENCE NORTH 66°52′12″ WEST, 404.51 FEET; THENCE NORTH 00°27′48″ WEST, 411.57 FEET; THENCE NORTH 56°55′30″ EAST, 357.85 FEET; THENCE SOUTH 35°00′28″ EAST, 34.03 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD LENGTH OF 212.76 FEET, BEARING SOUTH 46°41′54″ EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 214.24 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, SUBTENDED BY A CHORD OF 126.36 FEET, BEARING SOUTH 51°07′47″ EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 126.70 FEET; THENCE SOUTH 43°52′13″ EAST, 76.60 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, SUBTENDED BY A CHORD OF 41.48 FEET, BEARING SOUTH 00°08′04″ EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, 45.80 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 7.03 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR **OFFICE OF THE MAYOR**

April 10, 2015

Mr. John Herzig, Vice President
Bayer Corporation
3930 Edison Lakes Parkway
Mishawaka, IN 46545

RE: Bayer HealthCare LLC
Potential New Office Facility, Mishawaka Indiana
IEDC Application for Incentives.

Dear Mr. Herzig,

It has been brought to our attention by the St. Joseph County Chamber of Commerce that Bayer Healthcare is in the process of evaluating new sites for a new office building that is intended to house the 171 employees that are currently located in your Edison Lakes office, and that the projection is to add an additional 60 professional positions through 2018.

I have drafted this letter to let you know that Bayer's current presence in the City of Mishawaka is both appreciated and valued. I also wanted to specifically outline the kind of incentive that I would envision the City approving for a project of this magnitude for your consideration. Routinely, the IEDC requires or looks favorably at applications that contain local support. To that end, knowing that multiple sites are being considered including outside of both the region and the State of Indiana, my hope is that the IEDC can take this letter identifying local support to better leverage and bring forward State tools and resources to retain this facility and build upon Bayer's existing presence in the City of Mishawaka.

Our understanding is that the site under consideration in the City for this project is located on the newly constructed Fir-Capital Connector Road just north of the Indiana Toll Road. Although this property will be serviced through the Granger post office for mail, the property along this newly constructed road is actually located in the City of Mishawaka. When we allocated millions of dollars for the construction of this roadway it was specifically with the intention of providing access and municipal utilities for headquarters or regional facilities. Although admittedly I am biased, I firmly believe that there is no better location for a Bayer Customer Logistics Service Center. As you are aware, being located conveniently off exit 83 of the Indiana Toll Road makes this location a reasonable interstate driving distance from Northeastern Illinois, Southern Michigan, Northwestern Ohio, and the north half of Indiana. The South Bend International Airport being only 10 miles to the west also makes it readily accessible to the world.

For those at Bayer not familiar with this area, I think that it is important to note the amenities and conveniences that make this region an attractive place to recruit, work, live and retire. As a City, we have a comparatively low cost of living, one of the best school systems in the State, affordable diverse housing opportunities, and convenient commuting. There are millions of square feet of national retailers, a plethora of restaurants, and over a thousand hotel rooms within a few miles of the proposed site. The University of Notre Dame, Indiana University South Bend, and Bethel College are all located between five and ten miles from the proposed site. Chicago is located 90 interstate miles to the west and the beautiful shores of Lake Michigan are less than an hour drive. In the last 10 years, hundreds of millions of dollars of new medical service facilities have been constructed on the north side of Mishawaka including the St. Joseph Regional Medical Center and Cancer Care Partners treatment facility. We are hopeful that the new Bayer Customer Logistics Service Center will be added to this list.

To incentivize choosing Mishawaka, as the Mayor I would favorably recommend to the City's Redevelopment Commission and Common Council that the maximum length allowed by Indiana law (ten year) tax abatement be provided to the project. This would be a graduated abatement that would start by abating 100% of the increase in property taxes in the first year following the real property improvements that have been estimated at 12.5 million dollars. Every year the abatement would be reduced by 10%, so in year two, 90% of the property taxes associated with these improvements would be abated. So at the end of the abatement term, estimated to be in year 2026, 10% of the property taxes would be abated. Assuming that the assessed valuation of the structure matches the 12.5 million dollar construction cost, and that the property tax is at the 3% commercial cap, this would equate to roughly a two million dollar incentive over the life of the abatement. Although significant in terms of local resources, I think it appropriately illustrates our long term commitment and desire to grow Bayer's presence in our City over time.

Thank you for your consideration of Mishawaka in this process. I hope that this letter is helpful. Please let us know if any additional information is required. My door is also always open, please feel free to contact me on this or any other issue I might be able to assist with at any time.

Sincerely,

David A. Wood

David A. Wood, Mayor

cc- Kenneth B. Prince, City Planner/Economic Development Director
Greg Lorch, St. Joseph County Chamber of Commerce
David Behr, Indiana Economic Development Corporation

INDIANA
A State that Works

Indiana Economic Development Corporation ("IEDC")

Application for Incentives

General Information	Project Owner: David Behr	Project Number: 417674
Legal Name as registered with Indiana Secretary of State ("Company")	Bayer HealthCare LLC	
Federal Employer Identification Number (FEIN)	06-1653795	
Business Structure	C-Corporation	
NAICS Code (6 Digits)	325410	
Company's Taxable Year End (M/D)	12/15	
Company Website	www.bayer.com	

Proposed Project Information

Proposed Project Address	14963 Cleveland Rd./52641 Evergreen Rd.	Parent Company	Bayer Corporation
City, State, Zip	Granger, IN, 46530	Parent FEIN	25-1339219
Proposed Project County	St. Joseph;	Parent Country	United States of America

Primary Contact Information

Primary Company Contact's Name	Kevin Fuller	Title	Deputy Director
Address of Company Contact (if different from above)	6549 Braemar Avenue	Phone and Fax	Phone: 317 774 8069 Fax:
City, State, Zip	Noblesville, IN, 46062	Email	kevin.fuller@bayer.com

Senior Official Information

Senior Company Official Name	John Herzig	Title	VP-CAO-CLSC
Address of Senior Official (if different from above)	3930 Edison Lakes Parkway	Phone and Fax	Phone: (574)252-4734 Fax:
City, State, Zip	Mishawaka, IN, 46545	Email	john.herzig@bayer.com

Consultant Information

Company's Hired Business Consultant Name (if applicable)	Zane Brown	Consultant Release	Yes
Address	101 West Washington Street	Local Economic Development Organization Release	Yes
City, State, Zip	Indianapolis, IN, 46204	Email	zane.brown@cbre.com

Project Overview

Description	Bayer Healthcare is looking to build an office facility to accommodate 300 employees. This site would serve as the Customer Logistics Service Center for multiple divisions of Bayer Healthcare. Bayer is looking to locate in Indiana, Michigan or New Jersey for the future home of this operation.
Certified Technology Park?	No
Community Revitalization Enhancement District?	No
Has the Company applied for Indiana's Venture Capital Investment Tax Credit for the project?	No

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	TOTAL
Land Acquisition	$800,000	$0	$0	$0	$0	$800,000
Building Lease Payments	$0	$0	$1,500,000	$1,530,000	$1,561,000	$4,591,000
Building Purchase Costs	$0	$0	$0	$0	$0	$0
New Building Construction	$5,000,000	$7,500,000	$0	$0	$0	$12,500,000
Existing Building Improvements	$0	$0	$0	$0	$0	$0
New Machinery and Equipment	$0	$0	$0	$0	$0	$0
Special Tooling / Retooling	$0	$0	$0	$0	$0	$0
New Furniture and Fixtures	$0	$500,000	$0	$0	$0	$500,000
New Computer / IT Hardware	$0	$1,000,000	$0	$0	$0	$1,000,000
New Software	$0	$0	$0	$0	$0	$0
On-Site Rail Infrastructure	$0	$0	$0	$0	$0	$0
On-Site Fiber Infrastructure	$0	$0	$0	$0	$0	$0
TOTAL	$5,800,000	$9,000,000	$1,500,000	$1,530,000	$1,561,000	$19,391,000

Investment Details

Public Infrastructure Needs (Off-site of project)	Potential Qualified Investment under the Hoosier Business Investment ("HBI")	The approximate % qualified HBI expenditure that the Company expects to spend with Indiana businesses:	Used equipment purchased in Indiana or transferred from out-of-state for project
$0	$13,500,000	80.00%	$0

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Number of Full-Time Permanent Indiana-Resident Employees at Project	Hourly Average Wage W/O Fringe Benefits / Bonuses	*Cumulative* Number of Net New Full-Time Permanent Indiana-Resident Employees at Project	Hourly Average Wage excluding benefits or bonuses, of Cumulative Net New Jobs	Total Training Expenditure (*Not Cumulative*)	Total Employees to be Trained (*Not Cumulative*)
1 Year Ago	159	$39.00				
Now	171	$39.75				
2015			30	$39.75	$75,000	30
2016			37	$40.50	$25,000	10
2017			45	$41.25	$25,000	10
2018			60	$42.00		
Description of the company's specific training needs for the location	Computer, system, safety, skill development and regulatory compliance trainings.					

Tax Liability Information by Year

Calendar Year	2015	2016	2017	2018	Prior Year Tax Liability (if C-Corporation)
Expected Indiana Corporate Tax Liability from AGI (entire company)	$500,000	$510,000	$525,000	$540,000	Prior Year Tax Liability (if C-Corporation)
Expected Indiana Corporate Tax Liability from AGI (due solely to project)	$0	$0	$0	$0	$0

Submitted By: Teri Mortek **Submitted On:** Thursday, April 02, 2015 9:16 PM

To the extent feasible and permissible by law, the IEDC will honor a Company's request that confidential information submitted to the IEDC remains confidential. The IEDC will treat the information as confidential only if: (i) the information is in fact protected confidential information such as trade secrets or privileged or confidential commercial or financial information, (ii) the information is specifically marked and identified as confidential by the Company (iii) the information is segregated and placed in a separate appendix to the application, and (iv) no disclosure of the information is required by law or judicial order. If the application results in a tax credit, grant, or loan, the honoring of the confidentiality of identified data shall not limit the IEDC's right to disclose the details and results of the economic development project to the public.

By digitally signing this document, Company affirms that: (i) all information contained herein is true and accurate to the best of the Company's knowledge and belief, (ii) any award of EDGE and/or HBI Tax Credits is a major factor in the Company's decision to proceed with the project described in this application, and not receiving the EDGE and/or HBI Tax Credits would result in the Company not increasing total earnings of employees in Indiana or creating net new jobs for Indiana residents, (iii) for consideration of an HBI Tax Credit only, the average wage it pays/will pay its employees at the project location, excluding those considered highly compensated (see comment) will meet or exceed 150% of the federal minimum wage, and (iv) it is the Company's responsibility to inform IEDC of any changes to "General Information" listed in this application.

City of Mishawaka
Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, **final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.**

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A **non-refundable application fee** of $300.00 is required when making an application for Economic Revitalization Area designation and is payable to the **City of Mishawaka** at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:
City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Bayer Healthcare

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: **John Herzig, VP-CAO-CLSC**

Address: **3920 Edison Lakes Parkway, Mishawaka, IN 46545**

Telephone: **574-252-4734**

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the **annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated**, so the contact should be made aware of the survey's importance.

Name and Title: **John Herzig, VP-CAO-CLSC – contact info above.**

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

   a) Street Address: **Beacon Parkway – Golata Site**

   b) Township: **Mishawaka - Harris**

   c) Taxing District Number: ____________________

   d) Council District Number: ____________________

   e) Tax Parcel Number(s): **71-04-23-300-001.000-036**

   f) Current Zoning of the Property: **PUD**

   g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: ____________________

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

   Land: **$76,300**

   Improvements: **$0.00**

Inventory: **$0.00**

Equipment: **$0.00**

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? XX Yes ______ No

7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? **No, this is a greenfield site.**

   a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification **NAICS Code 325412 Pharmaceutical Preparation Manufacturing**

   b) Please list any special certifications/designations.
   N/A

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka. **Bayer is an international corporation with locations across the globe.**

9. What is the size of the real estate that will be developed? (in acres) **Approximately 7.5 acres**

10. What is the estimated construction or rehabilitation cost? **$12.5M**

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) ______ Yes XX No

12. What is the anticipated date for construction to begin? **10/1/2015**

13. What is the anticipated date for project completion? **12/1/2016**

14. Profile of Company that will occupy the property for which tax abatement is being requested:

    a) Are your employees represented by a union? If so, by whom? **Non-Union**

    b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	XX	Average hourly wage rate for skilled positions	$35-$42
Semi-skilled	______	Average hourly wage rate for unskilled positions	______
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	______	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) **171**

c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
Full benefits are included in all the roles including what is listed above.

d) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional $3.00 per hour, etc.) **$20.00**

e) What is the total dollar amount spent on retained salaries? **$30 Million**

f) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled	**50-60**	Average hourly wage rate for skilled positions	**$25-$35**
Semi-skilled	______	Average hourly wage rate for unskilled positions	______
Clerical	______	Average hourly wage rate for clerical positions	______
Salaried	______	Average salary (per hour) for salaried positions	______

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) **50-60**

g) What is the total dollar amount to be spent on new salaries? **$2.5M to $3.0M**

h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees N/A

Retained hourly employees N/A

New hourly employees N/A

h) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County: **100** %

Outside St. Joseph County, but inside Indiana: **100** %

Outside Indiana, but within 500 miles **100** %

Outside of 500 miles **100** %

Outside of the United States: **100** %

i) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

N/A

17. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

    60,000 SF office newly constructed office building. Bayer currently leases approximately 40,000 SF at Edison Lakes Parkway. The new facility is an expansion of Bayer's operation in Mishawaka. The building will be constructed and owned by Browning Investments, and Bayer will sign a long term lease requiring Bayer to pay real estate taxes on the building.

18. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

    This Bayer office will primarily conduct work related to the company's marketing efforts.

19. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

    Bayer will be retained as a company with operations in Mishawka, and expand its presence in terms of employment of the local workforce. This facility will be an anchor tenant of the area along Beacon Parkway that has recently been opened up for development.

20. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

    If the project is not undertaken, the risk is that the Bayer Corporate team could chose to construct this facility in another market.

21. Will you require any additional assistance from the City of Mishawaka?

    Bayer is currently negotiating with the City for additional incentives.

22. Have you applied for any assistance from the State of Indiana?

    Yes, Bayer has applied for, and been granted, up to $1,000,000 in Economic Development for a Growing Economy (EDGE) tax credits.

23. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.

John D. Herzig

Signature of Owner or Authorized Representative

VP, CUSTOMER LOGISTICS

Title

8/24/2015

Date

STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS

State Form 51767 (R3 / 12-11)
Prescribed by the Department of Local Government Finance

20____ PAY 20____

FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body* ***BEFORE*** *the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation,* ***BEFORE*** *a deduction may be approved.*
3. *To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, Whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]*
5. *The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.*

SECTION 1 — TAXPAYER INFORMATION

Name of taxpayer: Bayer Healthcare

Address of taxpayer (*number and street, city, state, and ZIP code*): 3930 Edison Lakes Parkway, Mishawaka, IN 46545

Name of contact person	Telephone number	E-mail address
John Herzig	(317) 254-4734	john.herzig@bayer.com

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Location of property	**County**	**DLGF taxing district number**
Beacon Parkway, Mishawaka, IN	St. Joseph	

Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): Approximately 60,000 SF office building

Estimated start date (*month, day, year*): 10/01/2015

Estimated completion date (*month, day, year*): 12/01/2015

SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
171	$35 - $42 per hour			50 - 60	$25 - $35 per hour

SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS COST	REAL ESTATE IMPROVEMENTS ASSESSED VALUE
Current values	$0.00	
Plus estimated values of proposed project	$12,500,000	
Less values of any property being replaced		
Net estimated values upon completion of project	$12,500,000	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (*pounds*) ______________

Estimated hazardous waste converted (*pounds*) ______________

Other benefits

SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed (*month, day, year*)
John Herzig	VP, Customer Logistics	8/24/2015

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed ____________ calendar years * *(see below)*. The date this designation expires is ______________________________ .

B. The type of deduction that is allowed in the designated area is limited to:
   1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
   2. Residentially distressed areas ☐ Yes ☐ No
   3. Occupancy of a vacant building ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to $ _________________.

D. Other limitations or conditions *(specify)*____

E. The deduction is allowed for ____________________________ years* *(see below)*.

F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
   If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (*signature and title of authorized member of designating body*)	Telephone number ( )	Date signed *(month, day, year)*
Attested by (*signature and title of attester*)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

A. For residentially distressed areas, the deduction period may not exceed five (5) years.
B. For redevelopment and rehabilitation or real estate improvements:
   1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
   2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
C. For vacant buildings, the deduction period may not exceed two (2) years.

ORDINANCE ~~OR RESOLUTION~~ FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Proposed Ordinance No. 2015-24

Ordinance Number:

Be it ordained/resolved by the **City of Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2016** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **City of Mishawaka Common Council.**

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
City of Mishawaka Common Council	Common Council and Mayor	10/19/2015

DLGF-Reviewed Funds

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	$2,519	$0	0.0000
0101	GENERAL	$33,492,284	$25,952,887	2.3658
0254	LOCAL INCOME TAX	$2,665,353	$0	0.0000
0341	FIRE PENSION	$2,268,750	$0	0.0000
0342	POLICE PENSION	$1,487,950	$0	0.0000
0706	LOCAL ROAD & STREET	$500,000	$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	$3,446,950	$582,097	0.0531
1151	CONTINUING EDUCATION	$120,000	$0	0.0000
1191	CUMULATIVE FIRE SPECIAL	$0	$0	0.0000
1301	PARK & RECREATION	$3,335,944	$2,926,144	0.2667
1310	PARK NONREVERTING - CAPITAL	$150,000	$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	$0	$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	$650,000	$1,125,283	0.1026
2411	ECONOMIC DEV INCOME TAX CEDIT	$4,307,166	$0	0.0000
6290	CUMULATIVE SEWER	$500,000	$680,659	0.0620
		$52,926,916	**$31,267,070**	**2.8502**

1st Reading 9-8-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
SEP 14 2015
CITY CLERK
MISHAWAKA, IN

ORDINANCE [redacted] FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Name		Signature
John Reisdorf	Aye ☐ Nay ☐ Abstain ☐	
Ronald Banicki	Aye ☐ Nay ☐ Abstain ☐	
Mary Willson (Kate Voelker)	Aye ☐ Nay ☐ Abstain ☐	
John Roggeman	Aye ☐ Nay ☐ Abstain ☐	
Matthew Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Michael Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Daniel Bilancio	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

CITY OF MISHAWAKA
2016 BUDGET

David A. Wood, Mayor

CITY OF MISHAWAKA 2016
BUDGET

TABLE OF CONTENTS

DEPARTMENT/FUND	PAGE
BUILDING DEPARTMENT	11
CEMETERY	19
CENTRAL SERVICES DEPARTMENT	17
CLERK	4
CODE ENFORCEMENT	10
COMMON COUNCIL	8
COMPARISON/CITY BUDGET	32
CONTROLLER	2
COUNTY ECONOMIC DEVELOPMENT INCOME TAX FUND (CEDIT)	29
CUMULATIVE FUNDS	
A. CAPITAL DEVELOPMENT	28
B. SEWER	28
ENGINEERING	9
FIRE/ EMERGENCY MEDICAL SERVICE	12
FIRE PENSION FUND	30
INFORMATION TECHNOLOGY	6
HUMAN RESOURCES	5
LAW DEPARTMENT	7
LAW ENFORCEMENT CONTINUING EDUCATION FUND	26
LOCAL ROAD AND STREET FUND	22
MAYOR	1
MISHAWAKA UTILITY BUDGET	33
MOTOR VEHICLE HIGHWAY	20
PARK AND RECREATION FUND	23
PARK AND RECREATION NON-REVERTING FUND	25
PLANNING/ BZA	16
POLICE	14
POLICE PENSION FUND	31
PUBLIC SAFETY	27
RAINY DAY PUBLIC SAFETY	26
RECYCLING	19
REDEVELOPMENT	18
SALARY ORDINANCES	57

CITY OF MISHAWAKA
2016 BUDGET

MAYOR
101-01

1 PERSONAL SERVICES				
Salaries and Wages				
411-01	Mayor	75,333.00		
411-02	Administrative Assistant	38,484.00		
	Secretary	32,128.00		
			145,945.00	
2 SUPPLIES				
Office Supplies				
421-90	Office Supplies	1,500.00		
			1,500.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel and Training	1,500.00		
Printing and Advertising				
433-01	Printing	500.00		
Other Services and Charges				
439-03	Subscriptions, Dues, etc.	1,500.00		
439-04	Leadership	1,795.00		
439-07	Memorial Day AL/VFW/DAR	1,500.00		
439-92	Community Promotion	7,500.00		
			14,295.00	
			161,740.00	

CITY OF MISHAWAKA
2016 BUDGET

CONTROLLER
101-02

1 PERSONAL SERVICES

Salaries and Wages			
411-01	Controller	73,429.00	
411-02	Deputy Controller	49,919.00	
	Bookkeeper A	36,710.00	
	Payroll Clerk	35,818.00	
	Purchasing Agent	37,107.00	
	Accountant	39,428.00	
411-03	Part time	20,000.00	
			292,411.00
Other Services Personal			
411-64	FTO (Flexible Time Off) Plan	30,000.00	
411-65	CPA Certification	5,000.00	
			35,000.00
Employee Benefits			
413-01	Social Security	190,000.00	
413-02	Medicare	45,000.00	
413-03	PERF 14.2%	420,000.00	
413-04	Unemployment Compensation	40,000.00	
413-05	Employee Insurance Benefits	1,200,000.00	
413-06	Employee Life Insurance	4,000.00	
			1,899,000.00
			2,226,411.00

2 SUPPLIES

Office Supplies			
421-90	Office Supplies/Misc Supplies	15,000.00	
			15,000.00

3 OTHER SERVICES AND CHARGES

Professional Charges			
431-05	Animal Control	160,500.00	
431-07	IACT	11,000.00	
	WNIT Public Access	10,000.00	
Communication and Transportation			
432-02	Postage	15,000.00	
432-03	Travel and Training	2,500.00	
432-04	Telephone	70,000.00	

CITY OF MISHAWAKA
2016 BUDGET

CONTROLLER
101-02

Printing and Advertising			
433-02	Publications	13,000.00	
Insurance			
434-90	Insurance Premiums/ Deductible	825,000.00	
Utility Services			
435-01	MU Charges	800,000.00	
435-02	NIPSCO	85,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment/Software Maintenance/Service Contracts	60,000.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	1,000.00	
439-09	Miscellaneous Charges	1,500.00	
			2,054,500.00
4 CAPITAL OUTLAYS			
Other Capital Outlays			
444-05	Capital Outlay	2,500,000.00	
			2,500,000.00
			6,795,911.00

CITY OF MISHAWAKA
2016 BUDGET

CITY CLERK
101-03

1 SERVICES PERSONAL			
Salaries and Wages			
411-01	City Clerk	52,914.00	
411-02	Chief Deputy Clerk I	38,050.00	
	Chief Deputy Clerk II	36,862.00	
411-03	Temporary	12,000.00	
			139,826.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	1,500.00	
Operating Supplies			
422-01	Violations Bureau Supplies	1,000.00	
			2,500.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-01	Attorney Fees	1,000.00	
431-04	Municipal Code Services	8,000.00	
	BIS Digital	7,857.00	
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Repairs and Maintenance			
436-01	Equipment Repair	4,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	1,500.00	
439-92	Community Promotion	500.00	
			24,857.00
			167,183.00

CITY OF MISHAWAKA
2016 BUDGET

HUMAN RESOURCES
101-04

1 PERSONAL SERVICES			
Salaries and Wages			
411-02	Office Manager	32,128.00	
411-03	Temporary Help	20,000.00	
			52,128.00
2 SUPPLIES			
Office Supplies			
421-90	Supplies	2,000.00	
			2,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	54,000.00	
431-08	Employee Assistance Program	16,000.00	
431-09	Testing/Wellness	5,000.00	
Communication and Transportation			
432-03	Travel and Training	5,000.00	
Printing and Advertising			
433-01	Printing/ Advertising	1,000.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	450.00	
439-20	Staff Development	2,000.00	
			83,450.00
			137,578.00

CITY OF MISHAWAKA
2016 BUDGET

INFORMATION TECHNOLOGY
101-05

1 PERSONAL SERVICES				
Salaries and Wages				
411-01	Director	60,696.00		
411-02	System Specialist IV Server	49,879.00		
	GIS Coordinator	48,647.00		
	System Specialist III Web	42,165.00		
	System Specialist IV Network	41,618.00		
	System Specialist II Desktop	40,108.00		
			283,113.00	
2 SUPPLIES				
Operating Supplies				
422-01	Operating Supplies	20,000.00		
			20,000.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel and Training	25,000.00		
Other Services and Charges				
439-03	Subscriptions, Dues, etc.	20,000.00		
			45,000.00	
			348,113.00	

CITY OF MISHAWAKA
2016 BUDGET

DEPARTMENT OF LAW
101-06

1 PERSONAL SERVICES				
Salaries and Wages				
411-01	Corporation Counsel/Director of HR	55,327.00		
411-02	City Attorney	58,000.00		
	Asst City Attorney	16,160.00		
	Part time Secretary	7,500.00		
			136,987.00	
2 SUPPLIES				
Office Supplies				
421-03	Professional Books	500.00		
421-90	Office Supplies	500.00		
			1,000.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel and Training	3,000.00		
Insurance				
434-90	Payment of Claims/Litigation	50,000.00		
Other Services and Charges				
439-03	Subscriptions, Dues, etc.	1,500.00		
439-09	Miscellaneous Charges	1,500.00		
			56,000.00	
			193,987.00	

CITY OF MISHAWAKA
2016 BUDGET

CITY COUNCIL
101-07

1 PERSONAL SERVICES				
Salaries and Wages				
411-04	Council members			
	9 @ 9518	85,666.00		
411-02	Council Attorney	16,161.00		
			101,827.00	
2 SUPPLIES				
Office Supplies				
421-90	Office Supplies	500.00		
			500.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel for Council	3,135.00		
	Travel for Attorney	1,000.00		
Other Services and Charges				
439-92	Community Promotion	5,000.00		
			9,135.00	
			111,462.00	

CITY OF MISHAWAKA
2016 BUDGET

ENGINEERING DEPARTMENT
101-13

1 PERSONAL SERVICES			
Salaries and Wages			
411-01	Director of Engineering	73,429.00	
411-02	Assistant Director	60,719.00	
	Project Coordinator	36,842.00	
	Project Manager	51,243.00	
	Traffic Manager	49,931.00	
	Office Manager	32,128.00	
			304,292.00
Other Personal Services			
411-65	PE Certification	10,000.00	
			10,000.00
			314,292.00
2 SUPPLIES			
Office Supplies			
421-90	General Supplies	4,000.00	
			4,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-06	Consulting	5,000.00	
Communication and Transportation			
432-03	Travel and Training	1,750.00	
Repairs and Maintenance			
436-01	Equipment Repair	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	500.00	
			10,250.00
			328,542.00

CITY OF MISHAWAKA
2016 BUDGET

CODE ENFORCEMENT DEPARTMENT
101-14

1 PERSONAL SERVICES				
Salaries and Wages				
411-01	Director of Code Enforcement	55,153.00		
411-02	Code Enforcement Officers			
	4 @ 44640	178,560.00		
	Office Manager	32,128.00		
			265,841.00	
2 SUPPLIES				
Operating Supplies				
422-01	Operating Supplies	3,500.00		
			3,500.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel and Training	3,000.00		
Other Services and Charges				
439-10	Clean up, Board up, Disposal, etc.	35,000.00		
			38,000.00	
			307,341.00	

CITY OF MISHAWAKA
2016 BUDGET

BUILDING DEPARTMENT
101-15

1 PERSONAL SERVICES			
Salaries and Wages			
411-01	Building Commissioner	56,463.00	
411-02	Administrator	32,614.00	
	Inspector A 2 @ 54039	108,079.00	
			197,156.00
2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	2,000.00	
			2,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	4,000.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	400.00	
			4,400.00
			203,556.00

CITY OF MISHAWAKA
2016 BUDGET

FIRE/EMS DEPARTMENT
101-19

1 PERSONAL SERVICES

Salaries and Wages			
411-01	Fire Chief	68,414.00	
411-02	Assistant Chief		
	2 @ 63063	126,127.00	
	Chief Fire Prevention	59,342.00	
	Battalion Chief		
	4 @ 61661	246,647.00	
	Captains 15 @ 58636	879,549.00	
	Shift Supervisors 2 @ 57059	114,118.00	
	Lieutenants		
	13 @ 57009	741,123.00	
	Fire Inspectors		
	9 @ 56499	508,495.00	
	Paramedics 2 @ 56499	112,999.00	
	Driver Operator		
	30 @ 55417	1,662,531.00	
	Master Firefighters		
	24 @ 54680	1,312,330.00	
	1st Class Firefighter		
	10 @ 52680	526,810.00	
			6,358,485.00
	Civilian		
	Executive Secretary	32,405.00	
			32,405.00
Other Personal Services			
411-02	Specialty Pay	180,000.00	
411-02	Out of Rank Pay	50,000.00	
411-60	Overtime	700,000.00	
411-66	Uniform Allowance 113 @ 1250	141,250.00	
411-67	Pension Equalization	26,800.00	
			1,098,050.00
Employee Benefits			
413-01	Social Security	35,000.00	
413-02	Medicare	110,000.00	
413-03	PERF-14.2%	70,000.00	
413-05	Health Insurance	2,000,000.00	
413-06	Life/Disability Insurance	12,000.00	
413-09	77 Pension 22.7%	1,292,000.00	
			3,519,000.00
			11,007,940.00

CITY OF MISHAWAKA
2016 BUDGET

FIRE/EMS DEPARTMENT
101-19

2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	6,000.00	
Operating Supplies			
422-01	Operating Supplies	175,000.00	
422-03	Medical Supplies	125,000.00	
Other Supplies			
429-10	Public Education Training/ Seminar Supplies/Refreshments	6,000.00	
			312,000.00
3 OTHER SERVICES AND CHARGES			
Repairs and Maintenance			
436-01	Building/ Equipment Repair	97,500.00	
436-91	Laundry Maintenance	3,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
			103,500.00
			11,423,440.00

CITY OF MISHAWAKA
2016 BUDGET

POLICE DEPARTMENT
101-20

1 PERSONAL SERVICES

Salaries and Wages			
411-01	Police Chief	68,853.00	
411-02	Assistant Chief		
	3 @ 63501	190,503.00	
	Captains		
	7 @ 58057	406,405.00	
	Lieutenants		
	12 @ 56939	683,278.00	
	Sergeants		
	20 @ 55857	1,117,141.00	
	1st Patrol Officer		
	53 @ 55119	2,921,347.00	
	2nd Patrol Officer		
	10 @ 53119	531,200.00	5,918,727.00
	Civilians		
	Executive Secretary	32,405.00	
	Administrative Secretary	32,128.00	
	Secretary 2 @ 32127	63,676.00	
	Parking Personnel	31,688.00	
	Property Manager	35,721.00	
	Services Administrator	36,921.00	232,539.00
	Crossing Guards 19 @ 7173	136,288.00	
411-03	Substitute Crossing Guard	2,000.00	
	Temporary Help/Part-time	25,000.00	163,288.00
Other Personal Services			
411-60	Overtime/ Court-time Officer-Non Officer	471,228.00	
411-66	Uniform Allowance		
	1 @ 500, 106 @ 2050	217,800.00	
	Equipment Allowance	28,772.00	
			717,800.00
Employee Benefits			
413-01	Social Security	26,000.00	
413-02	Medicare	102,000.00	
413-03	PERF 14.2%	35,000.00	
413-05	Health Insurance	2,000,000.00	
413-06	Life Insurance	6,250.00	
413-10	77 Pension 21.7%	1,327,000.00	
			3,496,250.00
			10,528,604.00

CITY OF MISHAWAKA
2016 BUDGET

POLICE DEPARTMENT
101-20

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	35,000.00	
Other Supplies			
429-11	Seminars/ Community Relations	1,000.00	
			36,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Printing and Advertising			
433-01	Printing	1,800.00	
Repairs and Maintenance			
436-01	Building Repair/ Maintenance Service Contracts	90,000.00	
Other Services and Charges			
439-03	Subscriptions, Dues, etc.	3,000.00	
439-11	Special Expense	13,000.00	
439-12	Canine Expenses	3,000.00	
439-16	Crime Stoppers Program	5,000.00	
			117,800.00
			10,682,404.00

CITY OF MISHAWAKA
2016 BUDGET

CITY PLANNING
101-21

1 PERSONAL SERVICES				
Salaries and Wages				
411-01	City Planner	70,154.00		
411-02	Senior Planner	45,145.00		
	Administrative Planner	38,058.00		
	Associate Planner	42,789.00		
			196,146.00	
411-06	Plan Commission 9 @ $600	5,400.00		
	BZA Members 5 @ $375	1,875.00		
			7,275.00	
			203,421.00	
2 SUPPLIES				
Operating Supplies				
422-01	Operating Supplies	4,000.00		
			4,000.00	
3 OTHER SERVICES AND CHARGES				
Communication and Transportation				
432-03	Travel and Training	3,000.00		
Other Services and Charges				
439-03	Subscriptions, Dues, etc.	1,500.00		
			4,500.00	
			211,921.00	

CITY OF MISHAWAKA
2016 BUDGET

CENTRAL SERVICES DEPARTMENT
101-22

1 PERSONAL SERVICES			
Salaries and Wages			
411-02	Assistant 4 @ 49948	199,795.00	
	Fleet Maintenance Technician		
	6 @ 19.91*2092	251,040.00	
	Group 1: 4 @ 18.89*2092	158,992.00	
	PT maintenance 1040 hrs @ 11.00	11,440.00	
	Reimburse MVH Director 5%	2,973.00	
			624,240.00
Other Services Personal			
411-60	Overtime	15,000.00	
411-62	Night Bonus .60/.55 per hour	5,000.00	
411-63	Longevity	6,000.00	
			26,000.00
			650,240.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	2,000.00	
Operating Supplies			
422-02	Gas, Oil, etc.	1,100,000.00	
422-05	Equipment/ Vehicle/Maint Supplies	100,000.00	
Other Supplies			
429-08	Uniform/ Supplies	4,000.00	
			1,206,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-09	Health Screenings/ Vaccines	1,000.00	
Communication and Transportation			
432-03	Travel and Training	1,500.00	
Repairs and Maintenance			
436-01	Building Repair / Equipment/Maint	67,000.00	
Rentals			
437-05	Uniforms	5,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	2,500.00	
			77,000.00
			1,933,240.00

CITY OF MISHAWAKA
2016 BUDGET

REDEVELOPMENT
101-28

1 PERSONAL SERVICES			
Salaries and Wages			
411-02	TIF Construction Manager	58,802.00	
	Program Construction Manager	53,251.00	
	Grant Manager	48,714.00	
	Program Coordinator	37,299.00	
			198,066.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	1,000.00	
			1,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-04	Professional Services	239,000.00	
Communication and Transportation			
432-03	Travel and Training	2,000.00	
Printing and Advertising			
433-02	Publications	800.00	
			241,800.00
			440,866.00

CEMETERY
101-29

3 OTHER SERVICES AND CHARGES

Other Services and Charges

439-09	Maintenance	25,000.00	
			25,000.00

RECYCLING
101-30

2 SUPPLIES

Operating Supplies

422-01	Operating Supplies	5,000.00	
			5,000.00

3 OTHER SERVICES AND CHARGES

Other Services and Charges

439-10	Disposal Charges	15,000.00	
			15,000.00
			20,000.00

CITY OF MISHAWAKA
2016 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

1 PERSONAL SERVICES			
Salaries and Wages			
411-01	Street Commissioner	59,453.00	
411-02	Office Manager	32,128.00	
	Secretary	31,688.00	
	Group 1: 32 @ 18.89*2092	1,265,660.00	
	CS reimburse 1.55 for assts.	77,421.00	
			1,466,350.00
Other Services Personal			
411-60	Overtime	81,500.00	
411-62	Night Bonus .60/.55 per hr	8,000.00	
411-63	Longevity	21,000.00	
411-64	FTO (Flexible Time Off) Plan	8,000.00	
			118,500.00
Employee Benefits			
413-01	Social Security	94,000.00	
413-02	Medicare	23,000.00	
413-03	PERF 14.2%	215,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Ins Benefits	470,000.00	
413-06	Life Insurance	2,000.00	
			809,000.00
			2,393,850.00
2 SUPPLIES			
Office Supplies			
421-90	Office Supplies	1,500.00	
Operating Supplies			
422-02	Gas, Oil, etc.	200,000.00	
Repair and Maintenance Supplies			
423-03	Equipment/ Parts, Supplies	160,000.00	
Other Supplies			
429-08	Uniform Supplies	8,000.00	
429-13	Traffic Supplies	36,000.00	
			405,500.00

CITY OF MISHAWAKA
2016 BUDGET

MOTOR VEHICLE HIGHWAY
201-50

3 OTHER SERVICE AND CHARGES

Professional Services			
431-04	Snow Removal	5,000.00	
431-09	Health Screenings/ Vaccines	6,000.00	
Communication and Transportation			
432-03	Travel and Training	5,000.00	
432-04	Telephone/ Paging	10,000.00	
Printing and Advertising			
433-02	Publications	600.00	
Insurance			
434-90	Insurance Premiums/Deductibles	150,000.00	
Utility Service			
435-01	MU Charges	135,000.00	
435-02	NIPSCO	100,000.00	
Repairs and Maintenance			
436-01	Building/ Equipment Repair	225,000.00	
Rentals			
437-05	Uniforms	8,000.00	
Other Services and Charges			
439-09	Miscellaneous Charges	3,000.00	
			647,600.00
			3,446,950.00

CITY OF MISHAWAKA
2016 BUDGET

LOCAL ROAD AND STREET
202-50

4 CAPITAL OUTLAYS

Improvements other than Buildings

442-01	Street Repair/Summer Program	500,000.00	
			500,000.00

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION
204-50

1 PERSONAL SERVICES

Salaries and Wages			
411-01	Department Head	63,527.00	
411-02	Regular Employees	464,502.00	
	Group 1: 14 @18.89*2092	554,380.00	1,082,409.00
	Reimburse CS Assts. 1.25	62,437.00	
	Reimburse MVH director 5%	2,973.00	65,410.00
411-03	Temporary/Summer Help	377,000.00	377,000.00
			1,524,819.00
Other Services Personal			
411-60	Overtime	66,000.00	
411-62	Night Bonus	5,000.00	
411-63	Longevity	18,225.00	
411-64	FTO	15,000.00	104,225.00
Employee Benefits			
413-01	Social Security	100,000.00	
413-02	Medicare	24,000.00	
413-03	PERF 14.2%	169,000.00	
413-04	Unemployment	5,000.00	
413-05	Employee Insurance Benefits	310,000.00	
413-06	Life Insurance	1,500.00	609,500.00
			2,238,544.00

2 SUPPLIES

Office Supplies			
421-90	Office Supplies	8,000.00	
Operating Supplies			
422-02	Gas, Oil, Parts, etc.	73,000.00	
Other Supplies			
429-09	Merrifield Complex Supplies	30,000.00	
429-14	Maintenance Supplies	60,000.00	
429-15	Program Supplies	30,000.00	
429-18	Athletic Event Supplies	20,000.00	
429-20	Golf Course Supplies	30,000.00	
429-21	Concessions	60,000.00	
			311,000.00

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION
204-50

3 OTHER SERVICES AND CHARGES

Professional Services			
431-09	Health Screenings/Vaccines	8,000.00	
Communication and Transportation			
432-02	Postage and Freight	2,000.00	
432-03	Travel and Training	3,000.00	
432-04	Telephone	7,000.00	
Printing and Advertising			
433-01	Printing/Newsletter etc.	11,500.00	
Insurance			
434-90	Insurance Premiums/Deductibles	120,000.00	
Utility Services			
435-01	MU/AEP Charges	335,000.00	
435-02	NIPSCO	50,000.00	
Repairs and Maintenance			
436-01	Equipment/Facility Repair	60,000.00	
436-90	Service Contracts	90,000.00	
Rentals			
437-05	Uniforms/Port-o-lets	11,500.00	
Other Services and Charges			
439-03	Subscription, Dues, etc.	1,400.00	
439-09	Miscellaneous/Charges	1,000.00	
439-18	Instructor Fees	28,000.00	
439-19	Official/Referee Fees	5,000.00	
439-21	Recreation Event/Entertainment	28,000.00	
439-93	Sales Tax	25,000.00	
			786,400.00
			3,335,944.00

CITY OF MISHAWAKA
2016 BUDGET

PARK AND RECREATION NON-REVERTING
214-50

3 OTHER SERVICES AND CHARGES			
Professional Services			
436-90	Animal Control	15,000.00	
			15,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
443-94	Softball Field/Diamond Improve.	10,000.00	
443-99	Merrifield Improvements	10,000.00	
Machinery and Equipment			
444-12	Golf Course	115,000.00	
			135,000.00
			150,000.00

CITY OF MISHAWAKA
2016 BUDGET

LAW ENFORCEMENT CONTINUING EDUCATION
210-50

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	30,000.00	
422-36	Ammunition	25,000.00	
			55,000.00
3 OTHER SERVICES AND CHARGES			
Communication and Transportation			
432-03	Travel and Training	20,000.00	
			20,000.00
4 CAPITAL OUTLAYS			
Machinery and Equipment			
445-08	Equipment/Vests	45,000.00	
			45,000.00
			120,000.00

RAINY DAY PUBLIC SAFETY
246-50

4 CAPITAL OUTLAYS			
Machinery and Equipment			
445-08	Police Equipment	2,519.00	
			2,519.00

CITY OF MISHAWAKA
2016 BUDGET

PUBLIC SAFETY
211-50

3 OTHER SERVICES AND CHARGES			
Professional Services			
431-11	New Hire Physicals - Police/Fire	52,000.00	
Communication and Transportation			
432-03	Travel and Training - Fire	25,000.00	
Repairs and Maintenance			
436-01	Radio System Maintenance Contract	505,000.00	
436-90	Service Contract - Police/Fire	250,000.00	
Other Services and Charges			
438-01	Fire Station Lease Payment	326,847.00	
438-01	Fire Truck Lease Payment	66,200.00	
439-95	PSAP	370,000.00	
			1,595,047.00
4 CAPITAL OUTLAYS			
Improvements Other than Building			
443-93	Fire Dept Improvements	40,500.00	
444-05	Clinic Improvements	358,306.00	
Machinery and Equipment			
445-05	Modems	220,000.00	
445-08	Police Equipment	81,500.00	
445-09	Police Cars - with equipment	280,000.00	
445-13	Fire Department Equipment	90,000.00	
			1,070,306.00
			2,665,353.00

CITY OF MISHAWAKA
2016 BUDGET

CUMULATIVE CAPITAL DEVELOPMENT
417-50

3 OTHER SERVICES AND CHARGES			
Repairs and Maintenance Supplies			
436-90	Service Contracts/Software Maintenance	325,000.00	
			325,000.00
4 CAPITAL OUTLAYS			
Machinery and Equipment			
445-11	Computer Equipment/Software	225,000.00	
	Permitting Software	100,000.00	
			325,000.00
			650,000.00

CUMULATIVE SEWER FUND
432-50

3 OTHER SERVICES AND CHARGES			
Professional Services			
431-04	Professional Services	250,000.00	
			250,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
445-21	Storm/Sanitary Reconstruction	250,000.00	
			250,000.00
			500,000.00

CITY OF MISHAWAKA
2016 BUDGET

CEDIT
430-50

2 SUPPLIES			
Operating Supplies			
422-01	Operating Supplies	50,000.00	
Repair and Maintenance Supplies			
423-01	Street Material/Dust Control	150,000.00	
Other Supplies			
429-17	Landscaping Supplies/Chemicals	125,000.00	
429-91	Salt	250,000.00	
			575,000.00
3 OTHER SERVICES AND CHARGES			
Professional Services			
431-04	Chamber of Commerce	50,000.00	
	Work One - SMART	25,000.00	
431-06	Consulting	200,000.00	
436-01	City Maintenance	250,000.00	
436-90	Engineering Maintenance	100,000.00	
436-93	Signal Maintenance	100,000.00	
Other Services and Charges			
439-95	PSAP	370,000.00	
			1,095,000.00
4 CAPITAL OUTLAYS			
Improvements Other than Buildings			
442-01	Paving	300,000.00	
442-04	Sidewalk and Curb Program	300,000.00	
442-11	Mary Gibbard	500,000.00	
443-99	Pool Liner	350,000.00	
Machinery and Equipment			
444-12	Park Equipment	170,000.00	
445-02	MVH Equipment	240,000.00	
445-06	Central Services Equipment	120,000.00	
Other Capital Outlays			
445-17	Park Capital Improvement Plan-Twin Branch	250,000.00	
449-01	Clinic	407,166.00	
			2,637,166.00
			4,307,166.00

CITY OF MISHAWAKA
2016 BUDGET

FIRE PENSION
702-50

1 PERSONAL SERVICES				
Salaries and Wages				
411-02	Secretary Salary	3,000.00		
	Pension Board Members 5 @ 750.00 per yr	3,750.00		
411-05	Pension Benefits	2,198,000.00		
411-07	Death Benefits	60,000.00		
			2,264,750.00	
2 SUPPLIES				
Office Supplies				
429-09	Misc Supplies	1,000.00		
			1,000.00	
3 OTHER SERVICES AND CHARGES				
Professional Services				
431-01	Legal Fees	2,000.00		
Communication and Transportation				
432-03	Travel and Training	500.00		
Repairs and Maintenance				
436-01	Equipment Repair	500.00		
			3,000.00	
			2,268,750.00	

CITY OF MISHAWAKA
2016 BUDGET

POLICE PENSION
703-50

1 PERSONAL SERVICES				
Salaries and Wages				
411-02	Secretary Salary	3,000.00		
411-05	Pension Benefits	1,422,000.00		
411-07	Death Benefits	60,000.00		
			1,485,000.00	
3 OTHER SERVICES AND CHARGES				
Professional Services				
431-01	Legal Fees	2,500.00		
Communication and Transportation				
432-03	Travel and Training	450.00		
			2,950.00	
			1,487,950.00	

Expenditure Budget Comparison
General Fund

Department	2015 Budget	2016 Budget	$ Change	% Change	% of 2016 Total Budget
Mayor	159,793	161,740	1,947	1.2%	**0.31%**
Controller	4,297,705	6,795,911	2,498,206	58.1%	**12.84%**
Clerk	165,917	167,183	1,266	0.8%	**0.32%**
Human Resources	137,259	137,578	319	0.2%	**0.26%**
IT	311,307	348,113	36,806	11.8%	**0.66%**
Law	184,775	193,987	9,212	5.0%	**0.37%**
Council	110,201	111,462	1,261	1.1%	**0.21%**
Engineering	320,495	328,542	8,047	2.5%	**0.62%**
Code	304,707	307,341	2,634	0.9%	**0.58%**
Building	201,602	203,556	1,954	1.0%	**0.38%**
Fire	11,152,837	11,423,440	270,603	2.4%	**21.58%**
Police	10,655,793	10,682,404	26,611	0.2%	**20.18%**
Planning	209,978	211,921	1,943	0.9%	**0.40%**
CMP/Central Services	1,916,809	1,933,240	16,431	0.9%	**3.65%**
Redevelopment	440,602	440,866	264	0.1%	**0.83%**
Cemetery	25,000	25,000	-	0.0%	**0.05%**
Recycling	20,000	20,000	-	0.0%	**0.04%**
Fund Totals	30,614,780	33,492,284	2,877,504	9.4%	**63.3%**

Civil City Budget Comparison
All Appropriated Funds

Fund	2015 Budget	2016 Budget	$ Change	% Change	% of 2016 Total Budget
General	30,614,780	33,492,284	2,877,504	9.4%	**63.28%**
Park and Recreation	3,258,974	3,335,944	76,970	2.4%	**6.30%**
Other Operating Funds					
Law Enforcement Con't E	50,000	120,000	70,000	140.0%	**0.23%**
Park Non - Reverting	166,000	150,000	(16,000)	-9.6%	**0.28%**
Public Safety	3,146,813	2,665,353	(481,460)	-15.3%	**5.04%**
Rainy Day Public Safety	-	2,519	2,519	0.0%	**0.00%**
Pension Funds					
Fire Pension	2,285,750	2,268,750	(17,000)	-0.7%	**4.29%**
Police Pension	1,467,108	1,487,950	20,842	1.4%	**2.81%**
MVH Funds					
Local Road & Street	500,000	500,000	-	0.0%	**0.94%**
Motor Vehicle Highway	3,330,760	3,446,950	116,190	3.5%	**6.51%**
Cumulative Sewer	500,000	500,000	-	0.0%	**0.94%**
Capital Fund				0.0%	**0.00%**
Cum. Cap. Development	225,000	650,000	425,000	188.9%	**1.23%**
Cumulative Fire	15,000	-	(15,000)	-100.0%	**0.00%**
CEDIT	4,404,166	4,307,166	(97,000)	-2.2%	**8.14%**
Bond & Lease Funds					
Municipal Bond					
Gross Totals	**49,964,351**	**52,926,916**	**2,962,565**	**5.93%**	
Internal Service Charges:					
Operating Transfers:					
Net Totals	**49,964,351**	**52,926,916**	**2,962,565**	**5.93%**	100.00%

Civil City Budget Comparison By Category
Appropriated Funds - with Adjustments

Department	2015 Budget	2016 Budget	$ Change	% Change	Total Budget
100 - Personal Services	34,491,285	34,833,941	342,656	1.0%	**65.82%**
200 - Supplies	3,212,950	2,963,500	(249,450)	-7.8%	**5.60%**
300 - Other Services & Charge	7,497,644	7,664,484	166,840	2.2%	**14.48%**
400 - Capital Outlays	4,762,472	7,464,991	2,702,519	56.7%	**14.10%**
Fund Totals	**49,964,351**	**52,926,916**	**2,962,565**	**5.93%**	**100.00%**

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 10 2015

CITY CLERK
MISHAWAKA, IN

1st Reading 9-21-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-23

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-25

ORDINANCE NO. ______________

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, Ambrose Property Group VA, LLC has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner owns all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137 of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

Parcel B: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION,

607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD ; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 86.65 FEET, BEARING NORTH 80°47'25" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 86.92 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 109.54 FEET; THENCE NORTH 04°34'39" EAST, 49.53 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 68.41 FEET, BEARING NORTH 48°35'22" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 68.58 FEET; THENCE NORTH 41°36'43" EAST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 401.97 FEET, SUBTENDED BY A CHORD LENGTH OF 433.98 FEET, BEARING NORTH 74°16'58" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY, 458.42 FEET; THENCE SOUTH 73°02'47" EAST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 60.47 FEET, BEARING SOUTH 79°12'41" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 60.59 FEET; THENCE SOUTH 19°31'25" EAST, 43.30 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.87 ACRES, MORE OR LESS.

Parcel E: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56

FEET, SUBTENDED BY A CHORD LENGTH OF 19.35, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET; THENCE NORTH 19°31'25" WEST, 43.30 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 208.45 FEET, BEARING NORTH 72°53'53" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 213.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.11 ACRES, MORE OR LESS.

Parcel F: A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE;THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 149.58 FEET, BEARING NORTH 86°29'44" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 150.96 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 109.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°50'19" WEST, 132.72 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, SUBTENDED BY A CHORD LENGTH OF 34.03 FEET, BEARING NORTH 88°54'41" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE 34.03 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 177.61 FEET, BEARING NORTH 73°57'10" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 180.70 FEET; THENCE SOUTH 04°34'39" WEST, 49.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.06 ACRES, MORE OR LESS.

COMMONLY KNOWN AS: Portion of Trinity Place – Between Coffee Tree Court and east of Holy Cross Parkway.

PROPOSED ORDINANCE NO. 15-25

ORDINANCE NO._

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.

4) The proposed vacation will not hinder the use of any public way, utility or place.

5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of __________________, 2015.

____
Presiding Officer

ATTEST:

____
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ______ day of _________________, 2015, at _____ o'clock _____.M.

____
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of __________________, 2015, at _______ o'clock ______.M.

____
David A. Wood, Mayor

DATE: August 19, 2015

AUG 19 2015

TO THE: Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Pet 15-23

RE: **PETITION FOR VACATION OF PUBLIC RIGHT OF WAY**

Trinity Place
(Realignment of Trinity Place for proposed VA Outpatient Clinic)

The undersigned, Ambrose Property Group VA, LLC, respectfully requests the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

PARCEL B
Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD ; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 86.65 FEET, BEARING NORTH

80°47'25" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 86.92 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 109.54 FEET; THENCE NORTH 04°34'39" EAST, 49.53 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 68.41 FEET, BEARING NORTH 48°35'22" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 68.58 FEET; THENCE NORTH 41°36'43" EAST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 401.97 FEET, SUBTENDED BY A CHORD LENGTH OF 433.98 FEET, BEARING NORTH 74°16'58" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY, 458.42 FEET; THENCE SOUTH 73°02'47" EAST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 60.47 FEET, BEARING SOUTH 79°12'41" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 60.59 FEET; THENCE SOUTH 19°31'25" EAST, 43.30 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.87 ACRES, MORE OR LESS.

PARCEL E

Land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 63.93 FEET, BEARING SOUTH 85°45'39" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 64.04 FEET; THENCE NORTH 19°31'25" WEST, 43.30 FEET TO A POINT OF

CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 208.45 FEET, BEARING NORTH 72°53'53" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 213.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.11 ACRES, MORE OR LESS.

PARCEL F

Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°58'07" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 607.18 FEET TO THE CENTERLINE OF FIR ROAD; THENCE SOUTH 35°21'36" EAST ALONG SAID CENTERLINE, 547.68 FEET TO THE CENTERLINE OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID CENTERLINE, 60.11 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF FIR ROAD; THENCE NORTH 35°21'36" WEST ALONG SAID RIGHT OF WAY, 38.07 FEET TO THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE; THENCE SOUTH 51°10'20" WEST ALONG SAID RIGHT OF WAY, 101.56 FEET; THENCE SOUTH 45°27'42" WEST ALONG SAID RIGHT OF WAY, 174.22 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 19.35 FEET, BEARING SOUTH 49°12'11" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 19.35 FEET; THENCE SOUTH 51°10'20" WEST, 155.32 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 149.58 FEET, BEARING NORTH 86°29'44" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND THE SOUTHERLY RIGHT OF WAY OF TRINITY PLACE 150.96 FEET; THENCE NORTH 73°02'47" WEST ALONG SAID RIGHT OF WAY, 117.13 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 361.97 FEET, SUBTENDED BY A CHORD LENGTH OF 390.79 FEET, BEARING SOUTH 74°16'58" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 412.80 FEET; THENCE SOUTH 41°36'43" WEST ALONG SAID RIGHT OF WAY, 263.34 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 321.56 FEET, SUBTENDED BY A CHORD LENGTH OF 109.02 FEET, BEARING SOUTH 51°22'17" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY 109.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°50'19" WEST, 132.72 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, SUBTENDED BY A CHORD LENGTH OF 34.03 FEET, BEARING NORTH 88°54'41" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE 34.03 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 281.56 FEET, SUBTENDED BY A CHORD LENGTH OF 177.61 FEET, BEARING NORTH 73°57'10" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE NORTHERLY RIGHT OF WAY OF TRINITY PLACE 180.70 FEET; THENCE SOUTH 04°34'39" WEST, 49.53 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.06 ACRES, MORE OR LESS.

Petitioner further state they are the owners of the property immediately adjacent to the above-described right of way.

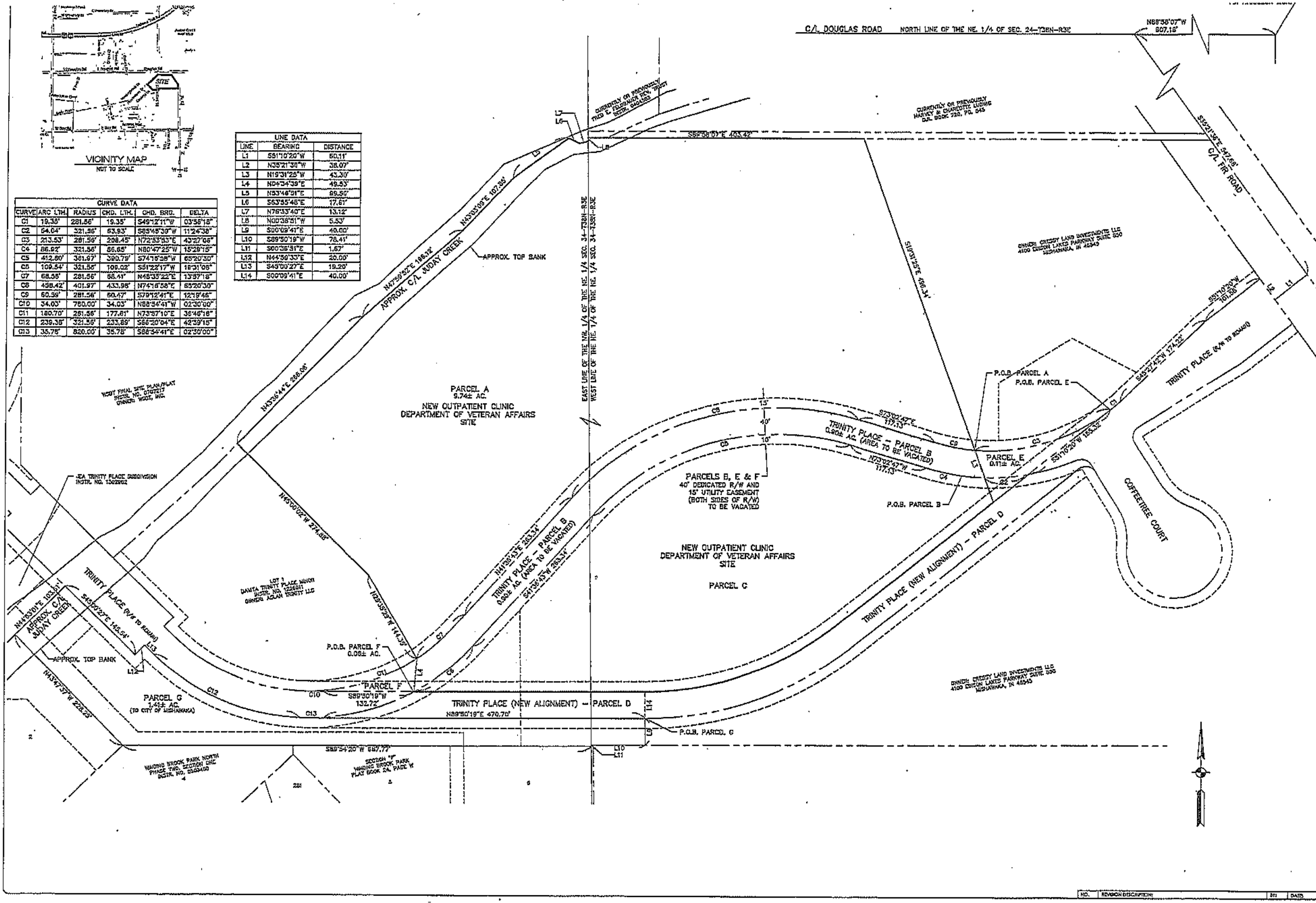
Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

Accompanying this petition is a drawing, to scale, showing the above-described right of way to be vacated.

Patrick Chittenden
Ambrose Property Group VA, LLC

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com



CURVE DATA					
CURVE	ARC LTH.	RADIUS	CHD. LTH.	CHD. BRG.	DELTA
C1	19.35'	281.56'	19.35'	S49°12'11"W	03°56'18"
C2	64.04'	321.56'	63.93'	S85°45'30"W	11°24'38"
C3	213.53'	281.56'	208.45'	N72°53'53"E	43°27'06"
C4	86.92'	321.56'	86.65'	N80°47'25"W	15°29'15"
C5	412.80'	361.97'	390.79'	S74°16'58"W	65°20'30"
C6	109.54'	321.56'	109.02'	S51°22'17"W	19°31'08"
C7	68.58'	281.56'	68.41'	N48°35'22"E	13°57'18"
C8	458.42'	401.97'	433.98'	N74°16'58"E	65°20'30"
C9	60.39'	281.56'	60.47'	S79°12'41"E	12°19'46"
C10	34.03'	780.00'	34.03'	N88°34'41"W	02°30'00"
C11	180.70'	281.56'	177.61'	N73°57'10"E	36°46'18"
C12	239.38'	321.56'	233.89'	S66°20'04"E	42°39'15"
C13	35.78'	820.00'	35.78'	S88°54'41"E	02°30'00"

LINE DATA		
LINE	BEARING	DISTANCE
L1	S51°10'20"W	60.11'
L2	N35°21'30"W	38.07'
L3	N19°31'25"W	43.30'
L4	N04°34'39"E	49.53'
L5	N53°46'31"E	89.50'
L6	S63°55'48"E	17.61'
L7	N76°33'40"E	13.12'
L8	N00°38'51"W	5.53'
L9	S00°09'41"E	40.00'
L10	S89°50'19"W	78.41'
L11	S00°36'51"E	1.67'
L12	N44°50'33"E	20.00'
L13	S45°00'27"E	19.20'
L14	S00°09'41"E	40.00'

ABONMARCHE
Confidence by Design

PROJECT:
A PART OF THE NORTH 1/2 OF SEC. 34, T38N R3E, PENN TOWNSHIP, ST. JOSEPH COUNTY MISHAWAKA, INDIANA

SHEET TITLE:
PARCEL EXHIBIT

DRAWN BY: CMR
FIELDBOOK: XXXXXXXXX
PM REVIEW: RM
QA/QC REVIEW: MJR
DATE: 8-14-2015
SEAL:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES

SCALE:
HORZ:
VERT:
ACI JOB #
15-0624
SHEET NO.
1 of 1

SEC. 34-T38N-R3E

PET 15-23

CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. **2015-04**

Date of Hearing: **September 21, 2015**

Time of Hearing: **7:00 PM**

PLEASE TAKE NOTICE:

Petitions have been filed by Ambrose Property Group VA, LLC

Vacation NO. 2015-04 - Petition No. 2015-23

Parcel B Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC. Parcel E land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC. Parcel F Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,
Deborah S. Block
Deborah S. Block, IAMC, MMC, City Clerk

Publish 9-10-15

Mary Ellen Hazen, Chief Deputy • Linda Dotson, Chief Deputy
City Hall • 600 East Third Street • Mishawaka, Indiana 46544-2241
Telephone: (574) 258-1616 • Facsimile: (574) 258-1728 • E-Mail: dblock@Mishawaka.in.gov • Website: Mishawaka.in.gov

NOTICE OF HEARING
Vacation No. 2015-04
Date of Hearing: September 21, 2015
Time of Hearing: 7:00 PM
PLEASE TAKE NOTICE:
Petitions have been filed by Ambrose Property Group VA, LLC
Vacation NO. 2015-04 – Petition No. 2015-23
Parcel B Land vacated from Right of Way of Trinity Place to Ambrose Property Group VA LLC. Parcel E land vacated from Right of Way of Trinity Place to Cressy Land Investments LLC. Parcel F Land vacated from Right of Way of Trinity Place to ASLAN Trinity LLC.
Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.
Respectfully,
Deborah S. Block
Deborah S. Block, IAMC, MMC,
City Clerk
12------------------------------------

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One __ TWO __ THREE

times successively to-wit:

On the 10th day of September, 2015, and

On the ________ day of ________, 2015, and

On the ________ day of ________, 2015,

Nancy L. Nich

Subscribed & Sworn To Before Me
This 10th day of September, 2015

William L. Nich

William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: $ 17.22